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Alicia Carol Willson-Metzger  
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ETHICALLY SPEAKING: ACADEMIC LIBRARIANS' PERCEPTIONS OF INFORMATION  
PRIVACY, INTELLECTUAL FREEDOM, AND THE *USA PATRIOT ACT*

by

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Old Dominion University in Partial Fulfillment of the  
Requirements for the Degree of

DOCTOR OF PHILOSOPHY

HIGHER EDUCATION

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Approved by:

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Dennis Gregory (Director)

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## ABSTRACT

### ETHICALLY SPEAKING: ACADEMIC LIBRARIANS' PERCEPTIONS OF INFORMATION PRIVACY, INTELLECTUAL FREEDOM, AND THE *USA PATRIOT ACT*

Alicia Carol Willson-Metzger  
Old Dominion University, 2011  
Director: Dennis E. Gregory

This study examined five research questions relating to U.S. academic librarians' perceptions of and attitudes toward intellectual freedom, information privacy, and the *USA PATRIOT Act*: 1) Do academic librarians' self-perceived levels of affiliation with the American Library Association affect their attitudes toward the *USA PATRIOT Act* (2001)? 2) Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes regarding intellectual freedom for librarians and, if so, in which direction? 3) Does the *USA PATRIOT Act* (2001) compromise intellectual freedom as practiced by academic librarians? 4) Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding intellectual freedom? 5) Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding information privacy? A survey utilizing a random stratified sample of U.S. academic librarians (strata=type of academic library) was conducted to provide research data for these questions. Quantitative survey data was analyzed through the use of one-way analyses of variance (ANOVA) and independent samples T-tests. The dependent variables for this study were librarians' values and beliefs regarding a) the

*USA PATRIOT Act* (2001); b) intellectual freedom within the library profession; c) information privacy; and d) intellectual freedom. The independent variables for this study were a) respondents' self-perceived affiliation with the American Library Association; b) the categories of institution with which respondents are affiliated (community college, college, or university libraries); and c) the passage of the *USA PATRIOT Act* (2001). Results were not statistically significant for any research question re: the independent variable of library type, nor was the degree of affiliation with the American Library Association statistically significant. While survey respondents largely agreed with the American Library Association's positions on intellectual freedom and information privacy, there still exists some disagreement regarding the extent to which the USA PATRIOT Act has truly affected librarians and their patrons.

This dissertation is dedicated to my mother, Mae Lillian Schulte Willson, an elementary school educator who never stopped believing in and fighting for her kids—either the ones in her classroom or the ones she bore. I am a better person for having known her.

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## **Chapter I: Introduction**

### **Purpose of Study**

Since the passage of the *USA PATRIOT Act* in October 2001 (hereafter referred to as the Act), legal and library literatures covering all types of libraries have been permeated with summaries of the Act's content, commentaries on both the legal and ethical ramifications of its enforcement, and specific suggestions for legal strategies for challenging the Act's provisions (Baker & Kavanaugh, 2005; Bowers, 2004; Harkovitch, Hirst, & Loomis, 2003; Kollar, 2004; Mart, 2004; Shaevel, Becker, & Morgan, 2006). However, implicit in these writings is the assumption that the vast majority of librarians are well-informed regarding the content and legal implications of the Act. Further, the rhetoric of these works suggests that the authors need not convince librarians of the inherent unconstitutionality of the Act, nor of the necessity for an absolute commitment to the principles of intellectual freedom. A review of the relevant literature raises three questions: Do the majority of librarians in the United States actually have a negative view of the Act? Would a librarian, regardless of the professional stance of his or her chief professional organization, willingly cooperate with a law enforcement agent in providing traditionally private patron information to that agent? To what degree do librarians encounter those gray areas in their work lives and what do they do when faced with taking actions not sanctioned by their chief professional body, the American Library Association?

## **Background of the Problem**

Following the terrorist attacks on New York's World Trade Center and the Pentagon on September 11, 2001, the United States Congress enacted the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001* (P.L. 107-56, 115 Stat. 272), hereafter cited as the *USA PATRIOT Act* (2001). Among its provisions, which are essentially designed to ease a number of strictures placed upon law enforcement in the information-gathering process, was Section 215, popularly known as the "Library Clause." This section amends the *Foreign Intelligence Surveillance Act of 1997* (P.L. 95-511, 92 Stat. 1783), known as FISA, legislation originally intended "to serve as a firewall between foreign and domestic intelligence gathering" (Jaeger, Bertot, & McClure, 2003, p. 297). The *Foreign Intelligence Surveillance Act, 1978*: has been amended numerous times since its inception. In fact, the original

...was enacted in response both to the Committee to Study Government Operations with Respect to Intelligence Activities (otherwise known as the Church Committee) revelations regarding past abuses of electronic surveillance for national security purposes and to the somewhat uncertain state of law on the subject. (Bazan, 2007, ¶ 1)

Essentially, FISA was designed to "strike a balance between protecting the national security and protecting civil liberties by setting out a clear procedure for the use of electronic surveillance in gathering foreign intelligence" (Musch, 2003, p. 9). Two revisions of FISA evidenced in Section 215 of the *USA PATRIOT Act* (2001) are the most debated of its clauses, each having to do with the content and manner in which

information may be obtained by the U.S. Department of Justice through use of the National Security Letter (NSL), a type of administrative subpoena issued without judicial oversight. The original FISA legislation provided very specific limitations regarding what kinds of information could be gathered in an investigation, “such as hotel registrations, car rentals, and storage unit rentals” (Jaeger, Bertot, & McClure, 2003, p. 299).

However, Section 215 broadened the scope of what may be obtained and examined through the use of a National Security Letter (NSL) or other warrant. It states that: “The Director of the Federal Bureau of Investigation or a designee...may make an application for an order requiring the production of *any tangible things (including books, records, papers, documents, or other items)* [emphasis added] for an investigation to protect against international terrorism or clandestine intelligence activities” (PATRIOT Act § 215(a)(1)). Clearly, “any tangible things” could be business records, library circulation records, books on a library’s shelf, computer hard drives, disks, and other print or electronic materials.

Controversial as the “tangible things” provision is, even greater debate has resulted from the so-called “gag provision” of Section 215. It states: “No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section” (PATRIOT Act § 215(d)).

The Federal government has elaborated a “mosaic theory” of intelligence gathering as the justification for the “gag provision.” The theory holds that even the smallest bit of information—for instance, that a library had been served with a National Security Letter—could tip off a terrorist to an ongoing investigation, therefore destroying it and

ultimately endangering the lives of Americans. Pozen (2005) describes the mosaic theory “a basic precept of intelligence gathering,” (§ 1) and defines the phrase succinctly:

Disparate items of information, though individually of limited or no utility to their possessor, can take on added significance when combined with other items of information. Combining the items illuminates their interrelationships and breeds analytic synergies, so that the resulting mosaic of information is worth more than the sum of its parts. In the context of national security, the mosaic theory suggests the potential for an adversary to deduce from independently innocuous facts a strategic vulnerability, exploitable for malevolent ends. (§ 1)

Critics, including many librarians and other information professionals, believe that the “gag provision” infringes upon First Amendment rights by denying those served with an NSL the right to speak about the experience. In testifying before Congress, George Christian, a litigant in *Doe v. Gonzales* (2006), said,

It is the secrecy surrounding the issuance of NSLs [National Security Letters] that permits their misuse. Because of the fact that all recipients of NLS are perpetually gagged, no one knew the FBI was issuing so many. No one knew there was no public examination of the practice. No one could ask if over 143,000 National Security Letters in two years are necessary... These questions cannot be asked if gag orders and other forms of secrecy prevent even Congress from knowing what the FBI is doing with its powers. Secrecy that prevents oversight and public debate is a danger to a free and open society. (Christian, 2007, p. 4)

Opponents of the *USA PATRIOT Act* (2001), such as the American Library Association, the American Civil Liberties Union, and the Electronic Freedom

Foundation, were not heartened by the Act's reauthorization in March 2006. Fourteen of its 16 provisions were made permanent by the reauthorization, while the remaining two, particularly Section 215, were reauthorized through 2009. Section 215 was modified so as to provide further protection to libraries, bookstores, and other information providers, "stipulating that national security letters (NSLs) can no longer be used to obtain records from libraries that function in their traditional capacity" ("President," 2006, p. 10). The American Library Association has expressed concern regarding what is defined as "traditional capacity," suggesting that the revised language might still "allow that e-mail sent from library computers—or possibly web searches—could still be subject to NSLs" (p. 10). As of late 2011, the gag provision remains in place, although recipients are allowed to challenge it after one year. Although the American Library Association continued to lobby for a revision of Section 215 that would "limit searches of library records to individuals who are connected to a terrorist or are otherwise suspected of a crime" (p.10), on February 27, 2010, President Obama signed H.R. 396 into law, extending Sections 215 and 206 of the Act through February 28, 2011. On May 26, 2011, President Obama once again extended these sections of the Act for another four years.

Through late 2011, only one case has been litigated regarding the serving of a National Security Letter to a library. In summer 2005, a library consortium, Library Connection, Inc., in Windsor, Connecticut, sought legal representation from the American Civil Liberties Union (ACLU) after being served with a National Security Letter by the FBI. While the NSL's terms clearly forbade the disclosure of the library's identity, the *New York Times* identified it in a September 21, 2005, article. The *Times* discovered the library's probable identity by searching the Pacer web site, operated by the

Federal courts, wherein the library was clearly identified—at least, until the *Times* published its story, at which point the plaintiff's name listed on the site was changed to “John Doe” (Foster and Glenn, 2005, p. 43).

After a protracted litigation, a Connecticut district court judge ruled that the “gag provision” of Section 215 was illegal, on the basis of First Amendment freedom of speech rights, and that the plaintiffs could identify themselves. The government immediately appealed that decision, causing the Connecticut district court judge to stay the plaintiffs' self-identification until the appeal was heard. The Connecticut librarians countered by requesting an expedited U.S. Supreme Court hearing regarding the continued gag order. The hearing was denied by Justice Ruth Bader Ginsberg, who stated that the appeals court appeared to be moving at sufficient speed to decide the case fairly and accurately. On May 23, 2006, the Second Circuit Court of Appeals in Manhattan found in favor of the Connecticut librarians. The court ruled that the librarians' First Amendment rights had been violated by their inability to identify themselves during the period in which Congress was debating the reauthorization of the *USA PATRIOT Act* (2001), restricting their ability to participate in that national debate. In its decision, the court summed up the plaintiffs' case, saying:

The government's urging that an endless investigation leads logically to an endless ban on speech flies in the face of human knowledge and common sense: witnesses disappear, plans change....a ban on speech and a shroud of secrecy in perpetuity are antithetical to democratic concepts and do not fit comfortably with the fundamental rights guaranteed American citizens. (*Doe v. Gonzales*, 2006, p. 13)

In June 2006, at the request of the FBI, the gag order against the Library Connection was lifted and the case was dropped. Justice Ruth Baeder Ginsburg ordered the full disclosure of court records related to the case on August 2, 2006. The American Civil Liberties Union (ACLU) posted these documents on its website the following day, including the unredacted NSL served upon the Library Connection, which had sought “the February 15, 2005, [Internet] access logs generated between 2 and 2:45 p.m. Eastern time for a specific Library Connection member’s IP address” (Goldberg, 2006, ¶ 2). The NSL served upon the Library Connection indicated that the FBI “was seeking all records associated with a particular computer in Hartford County, Connecticut, from which a threat was apparently issued” (Oder, 2006, p. 16). In citing its reasons for dropping the case against Library Connection, the FBI informed the *New York Times* that “‘conducting that investigation was less efficient’ because of the John Doe case, but ‘because the threat ultimately was without merit, that delay came at no cost other than slowing the pace of the investigation’” (p. 16).

However, George Christian, Executive Director of the Library Connection, suggested a more nefarious purpose for the FBI’s sudden lack of interest in the case in 2007 testimony before Congress: “A few weeks after that [the reauthorization of the PATRIOT Act], the FBI said they no longer needed the information they had sought from us and thus abandoned the case completely. In doing so, they removed the PATRIOT Act from the danger of court review” (“Library Connection Executive Director Testifies,” 2007, ¶ 50).

The preceding brief history of the *USA PATRIOT Act* (2001) clearly indicates that civil liberties, the right to privacy, and freedom of speech remain vigorously debated issues in the United States, both within the library community and in the larger population.

### **Definitions of Terms**

Those who are unfamiliar with library terminology may require some definitions of terms to assist in their understanding of this study. These are definitions of common terms used by libraries and in the *PATRIOT ACT (2001)*. The intention is to enhance the reader's understanding of the issues involved. For the purposes of the study, the following terms are defined as noted.

**Academic Library:** A library serving the faculty, students, and staff of a community college, college, or university.

**American Library Association:** "The American Library Association is the oldest and largest library association in the world, with more than 65,000 members. Its mission is to promote the highest quality library and information services and public access to information." ("The Voice of America's Libraries," 2006, ¶ 1)

**Confidentiality Policy:** "A policy aimed at library staff and focused on their responsibility to keep patron personally identifiable information...about library materials checked out and services used confidential." (Adams, 2005, p. 236)

**Informational Privacy:** "A private person's right to choose to determine whether, how, and to what extent information about oneself is communicated to others, especially sensitive and confidential information." (Garner, 2004, p. 1233)



**Practicing Librarian:** A librarian currently employed in an academic, public, or special library.

**Privacy (library context):** “In a library, the right to privacy is the right to open inquiry without having the subject of one’s interest examined or scrutinized by others.” (Adams, 2005, p. 239)

**Privacy Policy (library):** “Aimed at library patrons, the policy describes what types of personally identifiable information the library collects, how it is used, who has access to the information, how long it is retained before expunging, and what recourse patrons have if they feel their library privacy has been compromised. The policy should be adopted by the library’s governing board and posted publicly for patrons.” (Adams, 2005, p. 240)

**Professional Behaviors:** The job-related tasks carried out by individual librarians on a daily basis.

**Public Library:** A library specifically designed for use by the general public, and funded by public tax monies.

**Special Library:** A library providing information specific to a particular profession or purpose; for instance, a law, medical, or corporate library.

Operational definitions for entities related to the *USA PATRIOT Act* (2001) are necessary, as well. These include the following:

**Ex Parte:** “Done or made at the instance and for the benefit of one party only, and without notice to, or argument by, any person adversely interested; of or relating to court action taken by one party without notice to the other, usually for temporary or emergency

relief <an ex parte hearing> <an ex parte injunction>. Despite the traditional one-sidedness of ex parte matters, some courts now require notice to the opposition before what they call an “ex parte hearing.” (Garner, 2004, p. 616)

**Family Educational Rights and Privacy Act (FERPA):** An act that prescribes minimum standards for the maintenance and dissemination of student records by educational institutions. 20 USCA § 1232g...also termed *Buckley Amendment*.” (Garner, 2004, p. 638)

**First Amendment:** “The constitutional amendment, ratified with the Bill of Rights in 1791, guaranteeing the freedoms of speech, religion, press, assembly, and petition.” (Garner, 2004, p. 666)

**Foreign Intelligence Surveillance Act (FISA):** “A 1978 federal statute that established new procedures and courts to authorize electronic surveillance of foreign intelligence operations in the United States. The Act established the Foreign Intelligence Surveillance Court and the Foreign Intelligence Court of Review. It allows the Attorney General to obtain warrants that authorize electronic surveillance of suspected foreign-intelligence operatives without public disclosure and without a showing of probable cause that criminal activity is involved.” (Garner, 2004, p. 675)

**Fourth Amendment:** “The constitutional amendment, ratified with the Bill of Rights in 1791, prohibiting unreasonable searches and seizures and the issuance of warrants without probable cause.” (Garner, 2004, p. 683)

**Gag Order:** “A judge’s order directing parties, attorneys, witnesses, or journalists to refrain from publicly discussing the facts of a case.” (Garner, 2004, p. 700)

Operational definitions for entities relating to the *USA PATRIOT Act* (2001) are necessary, as well:

**National Security Letter (NSL):** “A form of Justice Department ‘administrative subpoena’ ...issued by [the] Attorney General, his designee, or...field offices, without the need for a court order and without judicial oversight...There are three types of NSLs:

Pursuant to the Electronic Communications Privacy Act, the FBI can issue NSLs for (a) telephone subscriber information (limited to name, address, and length of service); (b) telephone local and long-distance toll billing records; and (c) electronic communication transactional records (e.g., e-mail and web usage).

The type of National Security Letter most relevant to libraries is 1c), which allows for the serving of an NLS for libraries’ electronic communication transactional records, i.e., library patrons’ e-mail and Internet usage records.

**Subpoena:** “A court order which specifically requires a person to produce evidence in a legal proceeding.” (Adams, 2005, p. 241)

***USA PATRIOT Act* (2001):** “A statute enacted in response to the terrorist attacks of September 11, 2001, giving law-enforcement agencies broader authority to collect information on suspected terrorists, to share that information among domestic and foreign intelligence agencies, to make the country’s borders more secure, to detain suspects on new types of criminal charges using new criminal procedures, and to give the Treasury Department more authority to investigate and regulate financial institutions that participate in foreign money-laundering. The title is an acronym of Uniting and

Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.” (Garner, 2004, p. 1577)

### **Significance, Value, and Predicted Impact of the Study**

Although the implementation of the *USA PATRIOT Act* (2001) engendered significant discussion among both librarians and civil libertarians, the literature addressing the controversy has not yet moved significantly beyond opinion pieces and articles debating the merits of the Act (Bottum, 2004; Essex, 2004; Hentoff, 2004; Sarasohn, 2003). This is in part because, even with recent safeguards provided in the reauthorized version of the Act, any recipient of an NSL is prohibited by law from openly acknowledging said receipt in perpetuity, and can only challenge this gag order after one year has passed since receiving the NSL. Only one comprehensive quantitative study has been done to date regarding the effect of the *USA PATRIOT Act* (2001) in libraries. In 2005, the American Library Association (ALA) commissioned a survey of public and academic librarians to attempt to identify in large part whether libraries had been visited by law-enforcement agencies requesting private patron information, whether libraries had changed record-keeping policies given the possibility of such requests, and whether or not librarians had provided information to law enforcement policies due to subpoenas or did so voluntarily. Survey questions neither focused upon librarians’ attitudes toward these requests, nor their reasons for holding these attitudes and opinions.

In addition, two researchers (Cochran, 2005; Estabrook, 2003) conducted studies that are, in part, an examination of librarians’ perceptions and knowledge of the *USA PATRIOT Act* (2001). However, there are marked differences between these studies and this study. For example, Cochran (2005) surveyed only public libraries in Indiana and

utilized a much smaller population (238 potential respondents as compared to 27,000) than this researcher's study. In addition, Cochran's survey only focused on eight questions, which were general in nature.

Estabrook (2003) conducted a national survey of public libraries serving populations of 5,000 or more. Sixteen of Estabrook's twenty-eight questions addressed law enforcement visits to libraries, including forms of law enforcement inquiries, content of the inquiries, and the level of cooperation librarians exhibited with law enforcement officers. These concerns differ greatly from the content of the current study where the focus is academic librarians' attitudes toward the *USA PATRIOT Act (2001)* specifically and adherence to the principles of intellectual freedom espoused by the American Library Association.

Other, more narrowly defined studies specifically assessed the general public's attitude toward privacy. For example, in 2003 Harris Interactive Group discovered that most people are "privacy pragmatists," concerned with maintaining one's private information, but believing that there are times in which private information may legitimately be gathered by law enforcement agencies or other governmental entities (Harris Interactive, 2003, ¶1).

In addition, a 2002 study by Public Agenda found that "almost 1 in 4 Americans (24%) say their right to privacy has already been lost, whereas another 41% say it is under serious threat. Over a third (34%) of Americans consider their right to privacy basically safe" (Public Agenda, 2002, p. 32). When respondents were asked to identify the greatest threat to their personal privacy, however,

...well over half (57%) pointed not to government, but to ‘banks and credit card companies, because they are collection and selling marketing information about consumers.’ Substantially fewer (29%) see the federal government as the greatest threat, and far fewer, just 8%, are worried about threats to privacy from law enforcement. (p. 32)

Given the outcome of the only case to be decided, as of 2011, involving a library’s receipt of a National Security Letter, *Doe v. Gonzales* (2006), and the publicity afforded the case, more substantive discussion of Section 215 of the *USA PATRIOT Act* (2001) is likely to be imminent. As of 2011, there has been only one book specifically addressing libraries and the *PATRIOT Act* (2001): Herbert Foerstel’s *Refuge of a Scoundrel: The PATRIOT Act in Libraries* (2004). While the book is a foundational study, it lacks some of the objectivity with which this topic could be treated; therefore, a balanced book-length treatment of the topic would be a timely addition to the literature of librarianship and higher education.

A study of librarians’ attitudes concerning the *USA PATRIOT Act*, and an analysis of the causes for such attitudes, is important in determining whether or not the profession is, as it has often been portrayed by the media: a strong majority of politically-liberal professionals who value the privacy of patron library records above national security concerns (Berry, 2003; Goldberg, 2003; Kaser 2007). The librarian’s role in the community she/he serves, in the profession of which she/he is a part, is not necessarily a black-and-white picture of commitment to intellectual freedom and privacy. A study of librarians’ attitudes about the Act specifically, as well as intellectual freedom in general, along with an analysis of how these affect librarians’ job performance, provides a much

more nuanced assessment of individual librarians' beliefs regarding the timely topics of intellectual freedom and library patron privacy. Because no statistical studies exploring these questions have yet been conducted, the study provides much-needed concrete data reflecting academic librarians' positions on both intellectual freedom and the *USA PATRIOT Act*. Finally, several studies, such as those of Cochran (2005) and Estabrook (2002a, 2002b, 2003), have exclusively addressed the effect of the *USA PATRIOT Act* (2001) upon public libraries and librarians, perhaps because public libraries serve a wider variety of clientele with fewer strictures upon patron activity (i.e., public libraries do not charge patrons for library cards; academic libraries often do charge non-academic patrons for borrowing privileges). A study of academic librarians' attitudes toward the *USA PATRIOT Act* (2001) provides a basis of comparison for such previous studies of public librarians.

### **Theoretical Perspective**

The fundamental questions posed by social construction and constructivism lend themselves well to a topic that is the subject of intense debate: "How have people in this setting constructed reality? What are their reported perceptions, 'truths,' explanations, beliefs, and worldview? What are the consequences of their constructions for their behaviors and for those with whom they interact?" (Patton, 2002, p. 96). Librarians, as a group, have long been associated with the necessity of the right to privacy, intellectual freedom, and other so-called "liberal" causes. (Durant, 2005; Foerstel, 2004; Good, 2008; Kaser, 2007). Inquiries regarding librarians' political views and their knowledge about, and attention to ramifications of the *USA PATRIOT Act* (2001) illuminate librarians' values systems about issues related to intellectual freedom and privacy.

## Research Questions and Hypotheses

In broad terms, this study examines the extent to which the attitudes of academic librarians in the United States reflect the official stance of the American Library Association regarding both the *USA PATRIOT Act* (2001) and the principles of intellectual freedom, as well as the possible causes for these librarians' attitudes.

Specifically, the following research questions and hypotheses have been addressed:

Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes toward the *USA PATRIOT Act* (2001)?

*Hypothesis: Those academic librarians who perceive themselves to be active members of the American Library Association will have more negative attitudes toward the USA PATRIOT Act (2001) than those librarians who are less active in ALA.*

Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes regarding intellectual freedom *for librarians* and, if so, in which direction?

*Hypothesis: Those librarians who perceive themselves to be active members of the American Library Association will have more positive attitudes regarding the ALA's positions on controversial social and political issues including the USA PATRIOT Act (2001).*

Do librarians believe that the *USA PATRIOT Act* (2001) compromises intellectual freedom as practiced by academic libraries?



*Hypothesis: A majority of academic librarians surveyed will indicate that the USA PATRIOT Act (2001) has compromised the tenets and practices of intellectual freedom in academic libraries.*

*Hypothesis: A majority of academic librarians surveyed will indicate that the USA PATRIOT Act (2001) has made them more aware of patron activities, including Internet sites visited and items borrowed from the library.*

Does the USA PATRIOT Act (2001) make academic librarians rethink their values and beliefs regarding intellectual freedom?

*Hypothesis: A majority of academic librarians surveyed will indicate that the USA PATRIOT Act (2001) has not caused them to change their values and beliefs regarding intellectual freedom.*

Does the USA PATRIOT Act (2001) make academic librarians rethink their values and beliefs regarding information privacy?

*Hypothesis: A majority of academic librarians surveyed will indicate that the USA PATRIOT Act (2001) has not caused them to change their values and beliefs regarding information privacy.*

## **Methodology**

### **Participants and Sample**

Participants in this study were academic librarians in the United States. The population was identified by consulting the *American Library Association Directory*, a comprehensive directory of all public, academic, and special libraries in the United States, with associated contact information. Approximately 26,500 professional librarians work in United States universities, colleges, and community colleges (National Center for

Education Statistics, 2008, p. 2). A representative stratified sample (strata = type of academic library) was extracted and surveys supplied to members of the sample by e-mail. According to Orcher (2005), an appropriate sample size for a population of approximately 30,000 is 750. As return rate for the questionnaire was limited, the researcher sent out 1,200 total (400 per stratum).

### **Measures, Apparatus, or Materials**

Participants were provided with a survey instrument to gauge the extent of the changes in their libraries' record-keeping strategies and behaviors since the passage of the *USA PATRIOT Act* (2001), as well as to determine librarians' attitudes and opinions regarding both the Act itself and the principles of intellectual freedom as dictated by the American Library Association. Demographic information was gathered regarding degree of affiliation with the American Library Association, type of library in which the respondent worked, and years served as a professional librarian.

### **Predicted Findings**

The study was expected to find that librarians have far more diverse opinions regarding both the principles of intellectual freedom as espoused by the American Library Association and *USA PATRIOT Act* (2001) than conventional wisdom suggests. Although it was expected that a majority of librarians would be found to both intellectually and practically support the philosophical underpinnings of the sanctity of library patron privacy espoused by the American Library Association, a statistically significant number of respondents would be found to have rejected this philosophy, both in theory and practice, specifically in reference to the requirements of the *USA PATRIOT Act* (2001). This diversity of opinion and practice would be reflected in librarians'

everyday activities. For instance, it is highly probable that librarians have become far more aware of library patron profiles, both in terms of items checked out of the library and patrons' Internet viewing habits. It was predicted that both information regarding records retention and responses to survey questions will reflect this trend. Whether or not librarians would willingly share this knowledge with law enforcement officers remains to be seen.

Additionally, the survey responses would reflect a disconnect between the ALA and practicing librarians of the broader issue of the necessity for intellectual freedom with the profession on social and political issues. Taken as a whole, the research questions and hypotheses listed above suggest that librarians would be found to be less of a monolithic and politically-liberal group exhibiting vocal opposition to the *USA PATRIOT Act* (2001) and its effects upon library privacy and freedom of speech, than a group of professionals seeking to maintain and expand an ever-changing set of duties in an era of rapid technological change.

### **Conclusion**

This study assesses academic librarians' attitudes regarding the principles of intellectual freedom generally and the *USA PATRIOT Act* (2001) specifically, and examines how their attitudes affect work behavior regarding matters of intellectual freedom and the privacy of library patron records. In Chapter Two, the literature related to the following topics will be reviewed: 1) the history of challenges to intellectual freedom in the United States; 2) the history of the American Library Association's commitment to intellectual freedom, including the *Code of Ethics* and the *Freedom to Read Statement*; 3) librarians' responses to the *Code of Ethics* and *Freedom to Read*

Statement; 4)ALA's position on the *USA PATRIOT Act* (2001); 5) librarians' perceptions of information ethics and intellectual freedom; and 6) librarians' perceptions of the extent of intellectual freedom within the American Library Association.

## Chapter II: Review of the Literature

### Introduction

The literature of intellectual freedom in libraries is vast, ranging from discussions of circulation record privacy to collection development and reference work. While both the privacy of circulation records and the concept of neutrality in reference interactions have long been sacrosanct, the terrorist attacks of September 11, 2001, and the passage of the *USA PATRIOT Act* (2001) have led to a renewed debate regarding the necessity for privacy in any interactions between librarian and patron. Does checking out a book about Osama bin Laden indicate a certain sympathy to his cause on the part of the borrower? Do librarians have a responsibility to inform authorities if they discover the web address of a terrorist organization's website in a computer cache? Or does any citizen have the right to enter a library and explore any idea, no matter how controversial, without fear of governmental retribution?

This review will explore the literature of intellectual freedom in libraries in the following sections: 1)the history of challenges to intellectual freedom; 2)the American Library Association's position on intellectual freedom and professional ethics; 3)professional librarians' responses to ALA's Code of Ethics and Freedom to Read Statement; 4)the American Library Association's position on the *USA PATRIOT Act* (2001); 5)professional librarians' perceptions of information ethics and intellectual freedom; 6)professional librarians' perceptions of intellectual freedom within the American Library Association.

### **History of Challenges to Intellectual Freedom**

A commonality of the many histories of censorship and challenges to intellectual freedom in the United States (Bowers, 2004; Finan, 2007; Foerstel, 2004; Gruben, 2006; Kollar, 2004, Mart, 2004) is their recognition of the cyclical nature of governmental attempts to censor information. Kollar (2004) has suggested that perceived governmental intrusion into citizens' privacy is not a new concept; in fact, "while certain provisions [of the *USA PATRIOT Act*] are very intrusive, the Act and its subsequent reading by the Foreign Intelligence Surveillance Court of Review does reflect the historical tendency of the judiciary to defer to the Executive, in cyberspace or otherwise, particularly during wartime" (Introduction section, ¶ 5).

Finan (2007) argued that America has routinely faced threats to "the free trade in ideas" (p. xi) advocated by Justice Oliver Wendall Holmes, particularly in times of national emergency or wartime, as in the Palmer Raids of 1919, in which Russian immigrants and members of the Communist Party and Communist Labor Party were arrested, held without being charged, and in some cases, deported. Gruben (2006), too, noted that libraries were judicial privacy battlegrounds long before the advent of the *USA PATRIOT Act* (2001). For instance, in 1953, U.S. government libraries in foreign countries, under the auspices of the U.S. Department of State, "were directed to remove certain books and magazines as being subversive materials" (Librarians and Constitutional Freedoms section, ¶ 4). The American Library Association responded to this action by adopting the Freedom to Read Statement, a succinct summary of the association's dedication to protecting patrons' rights to read whatever they wish:

No group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society.

Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

(Librarians and Constitutional Freedoms section, 2006, ¶ 4)

Mart (2004) reflected upon a similar governmental attempt to impede access to, ironically enough, its own authored materials, through the Federal Depository Library Program, “which provides government documents to libraries for free in exchange for *inter alia*, the member library’s agreement to allow access to the materials according to FDLP guidelines” (Library Records and Government Efforts to Secure Them section, 2004, ¶ 2). Prior to the passage of the *USA PATRIOT Act* (2001), Federal Depository Libraries were prohibited from requiring patrons to produce identification upon requesting to use library computers; however, “the prohibition against requiring identification was removed when the guidelines were revised in 2003; the new rules enable librarians to keep records” (¶ 2).

Edwards (2004) has examined and compared the library professional literature of two historical periods, the Cold War and the post-*USA PATRIOT Act* (2001) time frame, finding that articles regarding censorship and other concerns reached a peak in 1953, with articles primarily addressing censorship, “the removal and/or special treatment of Communistic material (particularly labeling) from domestic and overseas libraries” (p. 42), and firings and forced resignations because of such removals. During this period, 81% of the articles examined showed a bias toward intellectual freedom. Yet for those post-9/11 articles analyzed, approximately 50% were considered neutral, while 48% “had an orientation favoring intellectual freedom. (p. 49). As Edwards reflected, “In

comparison to librarians of the Cold War era, contemporary librarians have been exposed to more information about conflicts between national security and intellectual freedom, but have shown less support for either concept since the 9/11 attacks” (p. 55), perhaps because the 9/11 attacks took place on American soil: “Witnessing such events may lead some library workers to hold back unconditional support for intellectual freedom” (p. 57).

Forestel (2004) notes a long history of governmental intrusion into libraries prior to the *USA PATRIOT Act*; for instance, the Federal Bureau of Investigation’s Library Awareness Program, conceived in the late 1980s, in which the FBI encouraged librarians from approximately twenty academic and public libraries in New York, New York, to report on the activities of “suspicious” patrons who might be Soviet foreign agents. When asked by a *New York Times* reporter how a librarian might be able to recognize an agent of a hostile foreign power, an FBI spokesperson replied, “There is no set way. Sometimes they just might stumble across it. An agent might try to recruit someone, and they are up front about saying, ‘I’m a Russian diplomat’” (McFadden, 1987, ¶25). No matter how vague and questionable these methods for identifying “suspicious” individuals might be, since the attacks of September 11, 2001, the FBI has continued to advocate identification methods based on reading habits, as in their 2003 directive to US police departments to watch for individuals carrying almanacs, as these books often include “detailed information on bridges, tunnels, and other U.S. landmarks” (Eggen, 2003, ¶ 2). Given the purported connection between individuals’ reading habits and their political opinions and personal character, the freedoms afforded the FBI by Section 215 of the *USA PATRIOT Act* to search electronic borrowing and Internet searching records of library patrons becomes even more of a concern for civil liberties advocates.



Given the recurrence of intellectual freedom challenges throughout the long history of America's libraries, the American Library Association has composed a wide range of documents designed to guide librarians through situations that may force them to confront and clarify their own positions on controversial issues. The following sections address both the major ethical code for librarians in the U.S., The Code of Ethics of the American Library Association, and ALA's chief intellectual freedom declaration, The Freedom to Read Statement.

### **American Library Association Code of Ethics and Freedom to Read Statement**

Librarians' concerns regarding the effects of the *USA PATRIOT Act* (2001) and intellectual freedom challenges upon libraries and their patrons are perhaps best understood through a review of the official stance of the profession on matters such as intellectual freedom, privacy of library patrons' transactions and records, and the Act itself. The American Library Association (ALA), chief professional organization for United States librarians, has codified the professions' stance on intellectual freedom and patrons' privacy rights in its *Intellectual Freedom Manual* (2006).

Two documents central to the spirit and focus of the library profession, The Code of Ethics of the American Library Association (2006) and The Freedom to Read Statement (2006), reflect the association's twofold commitment to intellectual freedom: one, the necessity for librarians to maintain, regardless of their personal political views, a professional adherence to the principles of intellectual freedom, and secondly, the equally important commitment to protect the privacy of library patrons.

Codes of ethics for library professionals are not unique to the United States. In fact, as Trushina (2004) noted, thirty-four countries had approved similar codes as of 2003. There are commonalities among most of these codes:

...even allowing for all the differences in cultural traditions and development trends in different countries, some ethical postulates are present in almost all codes...in 31 of 34 countries, professional unions declared intellectual freedom, and in 32 of the 34 countries, they declared confidentiality of private users' information. (Trushina, 2004, p. 417)

The American Library Association's Code of Ethics clearly stated the library professional's responsibility to maintain a patron's privacy and confidentiality: "we protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired, or transmitted" ("Code," 2006, ¶ 7). In other words, a librarian is bound by his or her professional ethical position not to share circulation records, the content of reference inquiries, the content of a patron's e-mail displayed on a computer screen, or the contents of the records cache on a public-access computer.

The Freedom to Read Statement (2006) was equally emphatic in its insistence upon the public's right to access information of all kinds: "It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous" ("Freedom," 2006, ¶ 6). In the profession's eyes, a search of a library's circulation records by a governmental entity, such as the FBI, to determine whom in a community has read a particular book, or if an individual has checked out "subversive" materials is ethically and morally reprehensible, regardless of

the current legality of such a search. In its explanation of this particular tenet, ALA has said:

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

(“Freedom,” 2006, ¶ 8)

### **Responses to The American Library Association’s *Code of Ethics***

There have, however, been a number of thoughtful objections to the wording and intent of ALA’s *Code of Ethics*. Many in the field (Finks, 1991; Hauptman, 2002; Koehler & Pemberton, 2000; Stichler, 1992; Wengert, 2001) have called for substantive revisions of the *Code of Ethics*, primarily to address issues of enforceability and precision.

For example, Stichler (1992) commented that:

For a code of ethics to be something more than what Finks (1991) calls ‘window dressing, propaganda, or public relations,’ it must be enforceable, and the members of the profession must be organized in such a way as to be capable of enforcing it. (p. 40).

Neither of Stichler’s qualifications for a successful professional code of ethics is reflected in the American Library Association’s *Code*. The *Code* is, as Koehler and Pemberton (2000) suggest, largely aspirational, that is, “offer[ing] norms that professionals should ‘aspire’ to, and therefore provide moral guidance” (p. 29), rather than an obligatory code, one that either “prescribe[s] or proscribe[s] specific professional

behavior” (p. 29), or, as stated in the introduction to the *Code of Ethics*, “the principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct cover particular situations” (“Code,” p. 244).

In addition, there is no identifiable mechanism for ensuring compliance with the *Code*. Although the American Library Association is the umbrella professional association for librarians in the United States, librarians are not required to belong to the Association, nor is there any governing ethics body within the Association. As Robert Hauptman (2002) has observed:

...only the medical, legal, and clerical organizations have any real power over their members and their right to practice. Information specialists do not have to join any organization and even if they do and are caught *flagrante delicto*, there is nothing that ALA or ASIS can do about it. With no way of enforcing their codes, the ruling members of these groups are powerless to castigate, to publish a list of transgressors, or to suggest that someone be sanctioned or fired. (p. 10)

In their summary and assessment of challenges faced by profession today, Shaevel, Becker, and Morgan (2006), stated that “libraries must frequently confront and deal with objections to free access to library materials, most often raised by those who believe that unlimited access to information and ideas causes harm to the individual and society, and sometimes both” (p. 45). This stance accurately reflects the official position of the American Library Association, long a champion of free speech. The most representative document reflecting this official position is ALA’s Library Bill of Rights,

which, as Krug (2006) has said, “constitutes the American Library Association’s basic policy on intellectual freedom” (p. 27).

The idea that librarians have always been champions of intellectual freedom is inaccurate; in fact, “the American Library Association was silent on the issue of censorship and intellectual freedom until the late 1930s” (Alfino & Pierce, 1997, p. 116.) The original version of the *Library Bill of Rights* was crafted in 1939, in response to the banning of *The Grapes of Wrath* in a number of American libraries, not because of “sex, violence, or even immorality but for its social stand.” (p. 116).

Each policy statement included in the “Library Bill of Rights” (2006) reflects a concern directly related to the *USA PATRIOT Act* (2001) and all other intellectual freedom challenges in libraries. For example:

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation. (p. 28)

In essence, a library serves all its patrons—not just those of the political party currently in power or those of a particular faith or sexual orientation, but all patrons. And the materials those patrons read or view on the Internet might well be controversial, or perhaps even repugnant, to the majority of Americans. As Krug (2006) has said, “the profession strives to enhance the intellectual freedom of the library user by providing not only all materials requested but also free and equal access to all materials without fear of recrimination for pursuing one’s interests” (p. 25).

In 1999, the American Library Association issued a statement of intellectual freedom principles specifically for the use of academic librarians: “Intellectual Freedom Principles for Academic Libraries: An Interpretation of the Library Bill of Rights.” The statement’s purpose is “to outline how and where intellectual freedom principles fit into an academic library setting, thereby raising consciousness of the intellectual freedom contexts within which academic librarians work” (“Intellectual,” 2006, p. 166). In addition to echoing the general principles of the *Library Bill of Rights*, the statement focuses upon the inviolability of the privacy of library users, stressing the need for “policies...that maintain confidentiality of library borrowing records and of other information relating to personal use of library information and services” (p. 166).

Free access to information through maximizing access to digital and print resources is central to the statement. For instance, library database “licensing agreements should be consistent with *The Library Bill of Rights*, and should maximize access” (p. 167). In addition, library services should be available without charge in order to maximize free inquiry. A chief focus of the statement is to encourage “open and unfiltered access to the Internet,” (p. 167), as

content filtering devices and content-based restrictions are a contradiction of the academic library mission to further research and learning through exposure to the broadest range of ideas and information. Such restrictions are a fundamental violation of intellectual freedom in academic libraries. (“Intellectual,” 2006, p. 169)

In 2000, the American Association of University Professors endorsed *Intellectual Freedom Principles for Academic Libraries*, noting that librarians and teaching faculty

share many of the same concerns regarding intellectual and academic freedom, stating “Academic freedom...is indispensable to librarians, because they are trustees of knowledge with responsibility of ensuring the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn” (“Intellectual,” 2006, p. 170). No matter how laudable the principles stated within either the *Intellectual Freedom Principles for Academic Libraries* or *The Library Bill of Rights*, however, these foundational statements have been criticized on several fronts, as is outlined in the next section of this review.

### **Responses to the American Library Association’s Library Bill of Rights**

As the Library Bill of Rights has been labeled “the American Library Association’s basic policy on intellectual freedom” (Krug, 2006, p. 57), it has undergone a good deal of scrutiny since its inception from those both within and outside the library community. Among the chief criticisms leveled against the document are its lack of legal enforceability and its overinclusiveness.

Critics have taken exception to the first sentence of Clause One of the Bill of Rights particularly: “Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves” (ALA, 2006, p. 55). While this may seem to be a laudable goal, as Baldwin (1996) has said:

The Library Bill of Rights overgeneralizes. To consider ‘all people’ as target patrons constitutes a large, if not impossible audience to satisfy. If a community shows no interest in authors of a particular background and viewpoint, a library wastes its resources in purchasing materials no one reads. A homogenous

community might be easy to satisfy. A larger heterogeneous group offers more varieties of users than a library can practically serve. (§ 49)

The heterogeneity of nearly every population a library serves certainly presents a challenge to the engaged library materials selector. A wide variety of patrons must be served to the best of the librarian's ability, regardless of the robustness of the library's budget. Is it sometimes easier to avoid choosing more controversial materials given the lack of money in library budgets? Baldwin (1996) suggests that perhaps it is

To say that 'materials should not be excluded because of the origin, background or views of those contributing to their creation' promises a lot but delivers very little. A book selector might simply say that the materials 'lack educational value,' or "patrons would have little interest in this"...it is not hard to dress a decision in nonpolitical terms to mask politics and moral sensibilities...the breadth of the Library Bill of Rights invites masking decisions." (§ 49)

Additional problems may present themselves when library professionals attempt to fulfill the second clause of the Library Bill of Rights: "Libraries should provide materials and information presenting all points of view on current and historical issues" ("Library," 1996, p. 55). While representing all points of view within a single library collection may indeed be desirable, as Schmitt & Krieger (2003) have noted, "On the other hand, library management also has a responsibility to provide a work atmosphere that is non-threatening and respects the beliefs of workers and to see that...work continues despite disagreements over the appropriateness of materials" (p. 327). Such conflicts over the appropriateness of library acquisitions lead to the censorship of deeply disturbing materials, such as a case at a university library in which "Ku Klux Klan



pamphlets, recruitment flyers and other materials received and collected over decades have been left unprocessed because of their content, staff repulsion over their existence, opinion urging that they should be destroyed, and emotional distress complaints” (Schmitt & Krieger, 2003, p. 327). While it is certainly understandable that most, if not all, library staff members would find such literature reprehensible in tone and content, a student looking for primary source materials for the history of the Ku Klux Klan in the United States has been done a disservice by the materials remaining unavailable for to researchers.

Alfino & Pierce (1997) suggested that in reality, the “balanced collection,” including all points of view on any one topic, is simply an impossibility. For instance, “the ability to determine a book’s political, social or moral stance is difficult. Books are just not labeled that way” (p. 118). However, striving for a balanced library collection is not necessarily a bad thing, where “purchases are made with the knowledge that more than one side of an issue must be represented and that selecting quality books on a broad range of topics may be the closest a library can get to a neutral collection” (p. 118).

While the overinclusiveness of the Library Bill of Rights is a chief concern of the Bill’s critics, another issue is the Bill’s lack of legal enforceability. As Wiegand (2006) has noted, even the title “Library Bill of Rights,” in echoing the Constitution’s Bill of Rights, implies some legal enforceability, but in reality, “The Library Bill of Rights is rife with examples of rhetoric unsupported by the legal principles that usually undergird ‘rights’” (§ 2).

Baldwin (1996) is even more pointed in his criticisms of the Bill: “Its vague, ambiguous language promises more than anyone can deliver, and its commands do not equate with law” (§ 1)

What happens when the rhetoric of the Library Bill of Rights collides with the reality of involving the library in potentially illegal activity? For instance, the sixth clause of the Library Bill of Rights states that “libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable bases, regardless of the beliefs of affiliations of individuals or groups requesting their use” (ALA, 1996, p. 56). What if, as Baldwin (1996) has said:

the request for a meeting room comes from a group such as NAMBLA (the North American Man Boy Love Association)? A library might resist offering a meeting place to a group advocating, if not practicing violation of law, but paragraph six of the Library Bill of Rights suggests otherwise. (§ 12)

Equally problematic is the extent of the inclusiveness of a library’s collection. In providing access to information reflecting “all points of view” (ALA, 2006, § 2), a library might well run afoul of legality:

The American Library Association emphasizes the ‘freedom to read,’ but to read what? If the publication lacks legal protection—e.g., obscenity—it is hard to justify freedom to read it. Freedom to read does not imply a duty of government to supply the reading material. (Baldwin, 1996, § 40)

The Library Bill of Rights, then, in many ways extends beyond the boundaries of First Amendment law. Baldwin (1996) has noted that legal precedent simply does not exist for “all the policies forcibly and persistently advanced by the American Library

Association” (§ 3); for instance, no legal precedent exists for book selection review, as these sorts of decisions “evade court review and therefore never receive authoritative judicial review” (§ 3). As Weigand (1996) has observed, even though the Library Bill of Rights, Article 2, deems it necessary for libraries to “provide materials and information presenting all points of view on current and historical issues,” (ALA, 2006, § 2), a patron whose request to have the library purchase an expensive item documenting an obscure historical event is denied, cannot simply bring legal suit in order to have the library purchase said item, as the Library Bill of Rights lacks legal enforceability.

What would be a better alternative to a legally unenforceable, overinclusive statement of library principles? Weigand (1996) suggested composing one document that would “satisfy First Amendment requirements... [and] which reflects First Amendment analysis and sets forth clearly the narrow legal rights which belong to library patrons” (§ 26). Such a document would provide both librarians and their patrons the knowledge of “what conduct will trigger First Amendment protections...and when such conduct is actionable—i.e., when a court of law will intervene to enforce patrons’ legal rights” (§ 26). In addition, a second, more inspirational document, “an additional aspirational creed,” (§ 27), could provide more than “the minimal protection offered by the First Amendment...governmental actors can certainly provide more protection that the constitution requires” (§ 27).

The Library Bill of Rights continues to provide guidance on intellectual freedom issues to the library community as a whole. Though both the Library Code of Ethics and The Library Bill of Rights remain foundational statements of the American Library Association’s dedication to the principles of intellectual freedom, perceptions of their

effectiveness and practical worth vary both within and beyond the confines of the Association, as is the case with ALA's pronouncements regarding the USA PATRIOT Act (2001), reviewed in the next section.

### **American Library Association's Position on the *USA PATRIOT Act* (2001)**

Since the passage of the *USA PATRIOT Act* (2001) in October 2001, the American Library Association has issued a series of proclamations, position papers and documents advising librarians of their rights under the Act. The Association has consistently encouraged Congress to allow Section 215 of the Act to sunset, or alternatively, to pass legislation amending the Act. American Library Association responses to the *USA PATRIOT Act* (2001) can be grouped into three broad categories: 1) summaries of various provisions of the Act, particularly Sections 215 and 505; 2) critiques of the Act; and 3) suggested responses for librarians affected by the Act. This review will focus upon the latter two categories.

ALA has long advocated that individual libraries institute library confidentiality policies supporting and reflecting state laws on the privacy of library records. In 1971, the Association published its "Policy on Confidentiality of Library Records." Amended in both 1975 and 1986, the policy urged individual libraries, library cooperatives, and library consortia to "formally adopt a policy that specifically recognizes its circulation records and other records identifying the names of library users to be confidential" ("Policy," 1986, ¶3). The policy also cautioned librarians to resist providing any confidential records to law enforcement absent a valid subpoena, and stressed the importance of consulting with the library's legal counsel before providing any such records to authorities.

In addition, the policy urged librarians to “resist the issuance of enforcement of any such process, order, or subpoena” (§5) until there is a “showing of good cause for its issuance” (§6). In its strict adherence to the protection of library patrons’ personally identifiable information, as well as in its exhortation for librarians to observe the law carefully, the “Policy on Confidentiality of Library Records” serves as a preview to the American Library Association’s later pronouncements on the *USA PATRIOT Act* (2001).

The American Library Association’s recommendations for librarians faced with Section 215 inquiries, or with service of a National Security Letter, were first published in early 2002. In “Guidelines for Librarians on the U.S.A. PATRIOT ACT: What to do before, during and after a ‘knock on the door?’” (2002), ALA counseled librarians to prepare as much as possible before being faced with such legal inquiries. First, the Association suggested that librarians consult local legal counsel to alert counsel of possible PATRIOT Act inquiries. Further, ALA advocated that libraries carefully review records retention policies, in order to “make decisions regarding data, logs and records of all types—digital and paper—to be discarded or saved” (§4), and to identify alternative means of computer access should workstations be removed from the library by law enforcement officials. In addition, thorough training for staff fielding any law enforcement inquiries is deemed absolutely necessary. During a visit, legal counsel should be consulted immediately in order to “help you [the library staff member] respond appropriately and legally while protecting you and your staff from possible liability due to an unlawful request” (§7). After the law enforcement visit is completed, ALA advocated once again consulting legal counsel to ensure the library staff’s compliance

with the terms of the inquiry (i.e., a gag order), “or conversely, to fulfill any affirmative legal requirements to disclose what records may have been released” (§ 9).

The American Library Association’s April 2005 statement, “Confidentiality and Coping with Law Enforcement Inquires: Guidelines for the Library and Its Staff,” addresses the same themes as “Guidelines for Librarians” discussed above, yet in much greater detail. In this statement, ALA stresses the necessity for avoiding the creation of unnecessary records, and to avoid retaining records “that are not needed for efficient operation of the library” (§7). In addition, records should be either archived or destroyed on a regular schedule. Finally, librarians should be aware that “there is no affirmative duty to collect or retain information about library patrons on behalf of law enforcement” (§7).

In the event of a law enforcement visit to a library, staff should both request identification upon being approached by an officer, and then should record the information. If the officer does not present a “court order compelling the production of records, the library director should inform the agent or officer that users’ records are not available except when a proper court order in good form has been presented to the library” (§9). If a court order is produced, the librarian to whom it is presented should understand that a subpoena “does not require an immediate response from the library” (§10), and should assure the law enforcement officer that the subpoena will be addressed within the designated time and in accordance with the law” (§9). After legal counsel affirms that the subpoena is in good order, the library should release only that information specifically requested. Search warrants, however, may be executed immediately, although librarians should ask to have library counsel present. If the law

enforcement officer refuses to delay the search, “train staff to step aside and not to interfere with the officer...they [staff] should continue their attempt to notify the library director and library counsel, and make every effort to keep a record of the incident” (§11). If the warrant is issued under Section 215, ALA stresses the necessity for observing the law; i.e, the gag order associated with such inquiries. If the library in question does not have a legal counsel, ALA urges library staff to contact ALA’s Office for Intellectual Freedom and “inform the staff that you need legal advice...you do not have to and should not inform OIF of the existence of the warrant” (§12).

ALA’s first proclamation related to the *USA PATRIOT Act* (2001) was the “Resolution Reaffirming the Principles of Intellectual Freedom in the Aftermath of Terrorist Attacks” (2002). Rather than directly mentioning the Act, this resolution addresses ALA’s perception of the Bush administration’s curtailing of civil rights in the wake of the 9/11 attacks; for instance, the resolution “opposes government censorship of news media and suppression of access to unclassified government information” (“Resolution,” 2002, ¶ 5), a response to the removal of unclassified government documents from the shelves of American libraries and governmental websites following September 11, 2001. In addition, the proclamation affirms the chief principles of ALA’s *Code of Ethics* and *Freedom to Read* statements, principles that will become central to the debate over Sections 215 and 505 of the *USA PATRIOT Act* (2001); namely, that a librarians must “uphold a professional ethic of facilitating access to information, not monitoring access,” (§ 6) and must also “protect the privacy and confidentiality of the people’s lawful use of the library, its equipment, and its resources” (§ 7).

By 2003, the American Library Association openly expressed its opposition to the *USA PATRIOT Act* (2001), observing that the Act “increase[s] the likelihood that the activities of library users, including their use of computers to browse the Web or access e-mail, may be under government surveillance without their knowledge or consent” (“Resolution on the USA PATRIOT Act,” 2003, ¶ 5) Education of library users regarding the Act became a central focus of ALA’s efforts to alter or repeal it, with ALA’s urging:

...all librarians, library administrators, library governing bodies, and library advocates to education their users, staff, and communities about the process for compliance with the USA PATRIOT Act and other related measures and about the dangers to individual privacy and the confidentiality of library records resulting from those measures...” (“USA PATRIOT Act,” 2003, ¶ 8)

The Association also began actively to lobby Congress for the Act’s reform, urging that body to engage in oversight “of the implementation of the USA PATRIOT Act and other related measures” (¶ 13), to hold hearings to determine the extent of surveillance of library users, and to “amend or change the sections of these laws and the guidelines that threaten or abridge the rights of inquiry and free expression...” (¶ 13).

ALA’s criticisms of the *USA PATRIOT Act* (2001) had become much more pointed by 2005, when it published its “Resolution on the USA PATRIOT Act and Libraries.” This resolution specifically cited Sections 215 and 505 of the Act as deeply problematic, saying, “Section 215 of the USA PATRIOT Act allows the government to secretly request and obtain library records for large numbers of individuals without any reason to believe they are involved in illegal activity” (¶ 7), and that “Section 505 of the



USA PATRIOT Act permits the FBI to obtain electronic records from libraries with a National Security Letter without prior judicial oversight” (§8). The resolution concludes with a call to library employees, trustees, and advocates to continue educating the public regarding the impact of the *USA PATRIOT Act* (2001) upon U.S. citizens.

Subsequent ALA resolutions have focused upon specific suggestions to Congress regarding Sections 215 and 505 of the *USA PATRIOT Act* (2001). In its “Resolution on the USA PATRIOT Act Reauthorization” (2006), ALA urged Congress to require Section 215 inquiries “to show individualized suspicion” that records and/or items retrieved during the course of an investigation “pertain to a foreign power or its agent, a person in contact with a suspected agent, or a suspected agent who is the subject of the investigation” (§8), and to “require records or other items to be described with sufficient particularity to allow them to be identified” (§8), in order to avoid FBI “fishing expeditions” into library and bookstore records. In addition, the resolution declares that the recipient of a FISA subpoena should be allowed “to consult with an attorney or other person necessary to comply with the request, to challenge the records search order, and to challenge the gag order” (§8).

The resolution also addressed Section 505, demanding that the recipient of a National Security Letter be allowed to challenge the request in court, and should be allowed to challenge the gag order accompanying an NSL subpoena. Additionally, law enforcement officials should be required “to show individualized suspicion that items pertain to a foreign power or its agent, a person in contact with a suspected agent, or a suspected agent who is the subject of the investigation” (§9). Finally, any NSL to be issued for “intelligence gathering purposes” (§9) should be subject to prior court review.

After the U.S. Department of Justice's Office of the Inspector General noted the FBI's various abuses of the NSL process, including reporting fewer NSL issuances than were actually served, the American Library Association issued its "Resolution on the Use and Abuse of National Security Letters," (2007) in which the Association again called for judicial oversight of National Security Letters "demonstrating a factual connection between the individual whose records are sought by the FBI and an actual investigation" (§14).

In addition, the resolution called for elimination of the "gag order" associated with NSLs, "meaningful judicial review" (§14) of challenges to NSLs, increased Congressional oversight over FBI activities that affect First Amendment rights generally and NSLs particularly, and finally, "providing for the management, handling, dissemination and destruction of personally identifiable information obtained through NSLs" (§14).

By 2009, the American Library Association focused less on sunseting Section 215 than upon its revision in order to better protect civil liberties. Although ideally, as stated in its "Resolution on the Reauthorization of Section 215 of the USA PATRIOT Act" (2009), ALA "urges Congress to allow Section 215 of the USA PATRIOT Act to sunset" (§10) It also supports any legislation that would effectively increase governmental oversight of activities allowed by the Act. In September 2009, the Association issued a press release, "ALA: JUSTICE Act would amend PATRIOT Act Provisions Eroding Patron Privacy," supporting the Senate's "Judiciously Using Surveillance Tools in Counterterrorism Efforts" (JUSTICE) Act, which "would reform the USA PATRIOT Act, the FISA Amendments Act and other surveillance authorities to

safeguard the constitutional rights of Americans while also ensuring the federal government has the necessary tools to fight terrorism” (§1).

While the JUSTICE Act (2009) would not overturn Sections 215 and 505 of the *USA PATRIOT Act* (2001), it would “reauthorize Section 215 of the PATRIOT Act...but with additional checks and balances” (§4), including judicial review of Section 215 orders, judicial review of NSLs, and the ability of the investigation’s target to challenge the use of the records obtained through use of a National Security Letter.

In a related statement, in September 2009, the American Library Association lent its support to The USA PATRIOT Act Sunset Extension Act of 2009, which would continue the pattern of sunset provisions for Section 215 of the *USA PATRIOT Act* (2001), effectively ensuring substantive review of Section 215 on a regular basis. As stated in its 2009 assessment entitled “Surveillance and Privacy,” “ALA does not oppose the extension of Section 215 if greater legal protections are included such as higher legal standards for individualized suspicion to obtain 215 orders, a realistic system for appeals and due process, and changes to the stringent gag rule that accompany [sic.] such orders” (§7). However, on February 27, 2010, President Barack Obama signed H.R. Bill 3961 into law, extending until February 28, 2011, Section 215 without any revision. (“Congress,” 2010).

The American Library Association has fought for the sunseting of various sections of the *USA PATRIOT Act* (2001), particularly Section 215, since its initial passage. However, the question remains whether a majority of librarians support ALA’s position on the Act, or indeed, their positions on intellectual freedom in general. The

following section will explore practicing librarians' perceptions of information ethics and intellectual freedom.

### **Librarians' Perceptions of Information Ethics and Intellectual Freedom**

The survey of the relevant literature indicates that, like other U.S. citizens, librarians run the gamut from ethically unshakable practitioners of the principles of intellectual freedom to those deeply conflicted between their professional ethics and their personal feelings regarding controversial subjects such as the *USA PATRIOT Act* (2001) (Berry, 2001, 2003; Bowers, 2006; Coolidge, 2005; Cochran 2005; Edwards, 2004; Estabrook, Harkovitch, Hirst, & Loomis, 2003; Klinefelter, 2004; Kollar, 2004; Mart, 2004; Neitzel, 2006, O'Donnell, 2004; Woods, 2005; Woolwine, 2007). As Harkovitch, Hirst, and Loomis (2003) have observed: "Librarians do make a distinction between their personal values and their professional identity...librarians are human and this do not think and respond mechanically when carrying out the principles of intellectual freedom" (p. 372).

In an essay focusing specifically upon intellectual freedom in academic libraries, Cain (2004) reflects upon the various ways in which librarians may stray from their professional ethical principles in the workplace:

It has been said that challenges to intellectual freedom in academic libraries are more likely to be internal than external. A lack of scrupulousness in regard to the confidentiality of interlibrary loan requests, online surveys, and routing slips can result in a loss of privacy for our patrons and therefore violate their intellectual freedom. There is a need for discretion in the notes we write to each other

regarding the needs of our patrons, to say nothing of the inviolability of circulation records. (§ 4)

As Cain (2004) has noted, these considerations of professional ethics can take many forms; however, most studies of professional ethics focus upon three broad areas: patron privacy, patron intellectual freedom, and the neutrality of librarians in dealing with patron concerns. The concept of librarians as neutral purveyors of information has been prevalent for many years, while the philosophy of librarian neutrality was perhaps first and most eloquently expressed by D.J. Foskett (1962):

During reference service, the librarian ought virtually to vanish as an individual person, except in so far as his personality sheds light on the working of the library. He must be his reader's alter ego, immersed in his politics, his religion, his morals. He must have the ability to participate in the reader's enthusiasms and to devote himself wholly and wholeheartedly to whatever cause the reader has at the time of the enquiry...if he has no politics, no religion, and no morals, he can have all politics, all religions and all morals. (p. 10-11)

Alfino (1997) supports Foskett's vision of the neutral librarian, suggesting that in preserving neutrality in librarian-patron interactions, "Foskett's view may be then seen as that of the neutral librarian providing a range of nonneutral information to the patron. That form of neutrality should perhaps be the goal that reference work is measured by" (p. 120).

Not all librarians, however, would agree with either Foskett or Alfino. In a classic study of the extent of librarian neutrality, Robert Hauptman (1976), then a library school student, conducted a simple experiment to discover how, or indeed if, reference librarians

in particular judged the ethical connotations of reference questions presented by a patron. He visited thirteen libraries, six academic and seven public, and posed these questions:

1. Are you the reference librarian?
2. I need some information for the construction of a small explosive device. I am interested in the chemical properties of cordite—perhaps in a handbook?
3. What I want to know is the potency of this chemical—whether a small amount would blow up, say, a normal suburban house. (p. 626)

No librarian refused to answer Hauptman's questions on ethical grounds, i.e., "because disseminating information on explosives might be detrimental to society" (Hauptmann, 1976, p. 626); however, one did refuse to answer because Hauptman was not a student at that university, while another sent him to a second branch library for assistance. While Hauptman considered that "one might presume that each of these librarians, when faced with this problem, made an ethical decision to help, based on the belief that the author did not have antisocial intentions," (p. 627), he decided that such a conclusion "would be extremely presumptuous and probably false" (p. 627). Instead, he suggested, the majority of these librarians simply "gave the question, within an ethical context, little thought" (p. 627). Those who did appear to consider the ethical ramifications of providing explosives information to a patron (one of whom commented "Oh, great. If you promise to blow up the library, I'll show you."), "appeared to abjure responsibility to their role of librarian as disseminator of information" (p. 627). One librarian did appear to comprehend why Hauptman posed the question, commenting, "The nature of the request is irrelevant; the librarian does not have the right to discriminate against a patron" (p. 627).

Hauptman, formed an opinion to which he has adhered over the past thirty years, was taken aback by the seeming ease with which these reference librarians provided potentially “dangerous” information, concluding, “...the danger of confusing censorship with ethical responsibility is too obvious to require further elucidation. To abjure an ethical commitment in favor of *anything*, is to abjure one’s individual responsibility” (p. 627).

Hauptman (2002) sees a renewed need for “individual responsibility” in the face of the terrorist attacks of September 11, 2001, lauding the Florida librarian who alerted the police after discovering that some of the terrorists who destroyed the World Trade Center had used networked computers in her library:

We hold that confidentiality is unbreachable but concomitantly, most people believe that the protection of life should receive the highest priority...I insist that in extreme exigencies, one has a higher duty to society to protect people and property.” (p. 140)

Frohmann (2008) has characterized Hauptman’s stance as a “self-centered information ethics for librarians” (p. 268), where “moral absolutes replace moral ambiguity, certainty replaces malaise, tensions and conflicts receive a new meaning, and moral courage becomes the driving force of a heroic moral subject who fearlessly confronts hypocrisy, bigotry, ignorance, laziness, and expedience” (p. 268).

Hauptman’s ethical stance is, however, in the minority in the literature. In most instances, as Koehler and Pemberton (2000) have noted, “librarians specifically conclude that the individual’s right of privacy takes precedence over the social good” (p. 30). One of the major concerns of “value-neutral” library service advocates is that “as persons and

librarians we have no way to accurately judge intent, and to make assumptions about intent from a person's question is overstepping the bounds of the profession" (Alfino & Pierce, 1997, p. 71). Is the nice young man asking about explosives capable of blowing up a house a domestic terrorist or a library school student conducting a study of the prevalence of reference service neutrality? With no way of actually knowing, the information professional must remain a neutral presence and simply do his or her job—in short, to answer the question. As Wengert (2001) has observed:

The issue raised is not particular to the American Library Association or even to professional groups. It touches on one of the deepest divides on ethical matters generally: Do we judge matters to be right or wrong by what rules are followed or by what results are produced. The problem with results is that it seems practically impossible to identify all the possible relevant results that might follow from a proposed action or policy. (Wengert, p. 500)

Conflict between professional neutrality as dictated in professional codes and personal conviction is clear in the results of studies covering a wide range of subjects (Goodrum, 2005; Harkovitch, Hirst, & Loomis, 2003; Johns & Lawson, 2005; Neitzel, 2006). It would appear that, as Gorman (2002) has said, it is difficult to frame these issues in black-and-white terms:

The fact is that many quarrels about intellectual freedom are not between those who are for it and those who are against it. They are often between people who believe in different applications of intellectual freedom, while all professing to be for it. There are those who are 'absolutists' and would deny no one the right to create, disseminate, say, see, or read anything at all. There are those who agree



broadly with that notion, but would restrict access to certain materials by certain groups—for example, children...we should always be aware that we are not dealing with good and evil—though both may be present—but with a complexity of views, many of which are sincerely held. (p. 89)

A perennial question for libraries is what restrictions, if any, should be placed upon patrons' Internet viewing habits. For instance, the question of whether library patrons should be allowed to view pornography on public computers continues to be a topic of debate. While the Library Bill of Rights would allow patrons access to any number of morally questionable Internet sites, Alfino (1997) rightly observes that

The use of the library for promoting immoral activity is a hard concept to justify. Perhaps that is why libraries still insist that they are buying *Playboy*, and patrons say they are borrowing the magazine, for the quality of the articles. (p. 109).

This issue was explored in a 2003 study of the cognitive dissonance between librarians' personal and professional attitudes toward pornography being viewed on public-access Internet computers in the Seattle Public Library System. While all survey respondents indicated a strong agreement with specific statements from the American Library Association's "Code of Ethics" regarding the sanctity of intellectual freedom, more than 37% of respondents agreed that some degree of conflict did exist between their personal and professional viewpoints regarding access to pornography on library computers, with more than one-third being personally in favor of limiting access to Internet pornography on library computers if technology were available to do so.

This study raises interesting questions regarding librarians' personal limits in embracing the principles of intellectual freedom. Where do these librarians draw their

ethical lines in the sand? At pornography's being readily available on library computers? In providing information on alternative lifestyles to a wide variety of patrons? When faced with a situation in which professional ethical behavior and personal ethics are diametrically opposed, what exactly would a librarian do?

Other studies explored ethical gray areas in the responses of librarians to *USA PATRIOT Act* concerns. While the American Library Association has dictated librarians be vigilant in maintaining the privacy of patron's circulation records and library usage habits, three studies (Estabrook, 2002a; Goodrum, 2005; Neitzel, 2006) have found instances in which librarians were not only willing to closely monitor patrons' usage activities, but were also willing to voluntarily share that information with law enforcement officials. For instance, Neitzel (2006) discovered, while interviewing one of the eleven study participants, all academic librarians in one Midwestern state, a librarian who indicated a complete willingness, should such inquiries occur, to assist FBI agents with investigations of his or her library users, a mindset that is clearly in opposition to the American Library's position on FBI inquiries re: the *USA PATRIOT Act* (2001) in libraries. As Neitzel (2006) reflects:

It is not known whether law enforcement agents have actually visited this library, but librarians who work there do not want to be held responsible for delaying or obstructing any investigations, and are willing to assist law enforcement by turning over library and patron records, even without a court order. (p. 138)

Estabrook (2002a) discovered a similar pattern in the behavior of public librarians after September 11, 2001. 8.5% of staff noted that they were more likely to monitor materials checked out by library patrons, while 4.1% (209 libraries) indicated that library

staff had “voluntarily reported patron records or behaviors to authorities in relation to terrorism” (Estabrook, 2002a, ¶ 7). Clearly, neither of these behaviors is sanctioned by the American Library Association.

Librarians’ reporting of suspicious patron behavior and an increased awareness of patron activities has not been limited to public libraries. In a study of the impact of law enforcement upon public and academic libraries commissioned by the American Library Association, Goodrum (2005) found that of the 1609 academic library respondents, 26 volunteered information to federal authorities, while 45 volunteered information to state or local officials (p. 25). While the number of librarians reporting to law enforcement entities may seem negligible when compared to the total number of librarians responding to the survey, it is the voluntary nature of these reports that is significant. Goodrum clearly indicates that in these cases, law enforcement had verbally “requested” information without an accompanying subpoena; hence, the librarians involved were free to decline the request. That some did not indicates the existence of gray area, or perhaps even a total disconnect, between the profession’s ethical stance and librarians’ own ethical beliefs.

Estabrook (2002a) provides an excellent summary of the findings of each of these surveys, saying:

....national attention to and fears about terrorism have created significant tensions among librarians. While many remain deeply committed to professional principles regarding freedom of expression and freedom to read, others believe that it may be necessary to compromise some of those principles to deter terrorism or abide by the law. As one respondent noted, “Staff are trying to process their

responsibilities as citizens in potential conflict with their responsibilities as employees of a public library.” (§ 6)

### **Perspectives on Intellectual Freedom within the American Library Association**

In addition to the job-related dilemmas regarding librarians’ dedication to patron privacy reviewed above, a related question has caused intensified debate within the profession, particularly since 9/11 and the beginning of the Iraq War. A number of authors (Annoyed Librarian, 2008; Bivens-Tatum 2006; Davidson-Turley, 2004; Durant, 2005; Hauptman, 2002; Nichols, 2004; Stratton, 2005; White, 1989) have suggested that the neutrality advocated by the American Library Association in terms of librarians’ interactions with patrons does not extend to its dealings with its own members, while more have supported the strong social and political stances taken by the Association (Berry, 2003; Durrani & Smallwood, 2008; Good, 2008; Gorman, 2005; Lewis, 2008; Rosenzweig, 2008; Sparanese, 2008).

As with censorship and challenges to intellectual freedom, attention to what proponents refer to as “social responsibility” and detractors call “politicization of the organization” within ALA seems to intensify during times of social unrest and war. While the social responsibility movement in the American Library Association began in the late 1960s in response to many issues, including urban blight and the Vietnam War, the literature is nearly silent regarding the issue in the intervening years, until approximately the year 2000, when a good deal of discussion began regarding the appropriateness of the American Library Association’s involving itself in political matters not specifically related to librarianship.

Prior to 1968, the American Library Association focused almost exclusively upon issues specific to libraries and librarianship—censorship, intellectual freedom, funding, staffing, etc. However, in 1967, a group of librarians concerned about the social unrest in the United States petitioned ALA to form a working group to examine social problems within and beyond the confines of librarianship. The Social Responsibilities Round Table initially met in June 1968, with the following mandate:

1. To provide a forum for the discussion of responsibilities of libraries in relation to the important problems of social change which face institutions and librarians;
2. To provide for exchange of information among all ALA units about library activities with the goal of increasing understanding of current social problems;
3. To act as a stimulus to the Association and its various units in making libraries more responsive to current social needs; and
4. To present programs, arrange exhibits and carry out other appropriate activities. (Joyce, 2008, p. 38).

A change of focus toward a more global perspective seemed to be at hand for ALA, and after the formation of the Social Responsibilities Round Table, a group called the Activities Committee for New Directions for the ALA (ACONDA) was formed in June 1969. The final report of the committee stressed social responsibility as a necessity for the American Library Association. As Raber (2007) has said:

...ACONDA asserted that libraries can and should contribute to the solution of critical social problems. Libraries have the opportunity to do this directly by

providing services relevant to the needs of the ‘underprivileged and semi-literate.’ Beyond this immediate imperative, libraries can indirectly contribute by providing the knowledge required for informed citizenship and thoughtful public resolution of critical problems. (p. 684)

The committee specifically criticizes those who claim that librarianship should remain neutral in all political matters. Raber (2007) comments:

It notes that the claim to neutrality is ‘rather dubious,’ adding that librarians have always supported democratic aims and taken liberal positions on social issues beyond intellectual freedom. It criticizes the association for too often erring on the side of caution when confronted by a need to engage social problems. (p. 685)

Neither all members of the American Library Association, nor indeed all librarians generally, were supporters of ACONDA’s conclusions. In particular, David Berninghausen, then dean of the University of Minnesota’s library school, began a heated debate when he published an article entitled “Social Responsibility vs. the Library Bill of Rights” in November 1972. In essence, Berninghausen argued, the social responsibility movement was antithetical to honoring the Library Bill of Rights in that those advocating social responsibility were abandoning a commitment to neutrality and intellectual freedom dictated by the Library Bill of Rights. Although many disagreed with this position, those advocating social responsibility in librarianship were mostly angered by the following list of items Berninghausen believed were not the concern of the American Library Association:

The *raison d’etre* of the ALA is not any of the following:

1. To eradicate racial injustice and inequities and to promote human brotherhood.
2. To stop the pollution of air, earth, and sea.

3. To build a United Nations capable of preventing all wars.
4. To promote homosexuality as a lifestyle.
5. To advocate the lowering of the voting age to 18.
6. To preserve the separation of church and state.
7. To destroy—or establish—universities.
8. To judge the guilt or innocence, based on news reports, of Charles Manson, Angela Davis, or the Berrigan brothers on the charges brought against them in the courts.
9. To resolve hundreds of other social, scientific, or political issues, regardless of how vital they may be for the future of humanity.” (Berninghausen, p. 3675).

Berninghausen’s argument was not that such issues were unimportant, but that “it is not the purpose of ALA to take positions as to how men must resolve them” (Berninghausen, 1972, p. 3675). Further, Berninghausen suggested that all of these concerns should be secondary to the cause of intellectual freedom, as it is that very freedom that allows the populace to educate itself regarding “all varieties of expression as to the facts, theories, and alternative solutions to these problems” (p. 3675).

Berninghausen’s article caused such a stir in the library community that the editors of *Library Journal* solicited responses to it from prominent academic, public, and special librarians. While the majority strenuously disagreed with Berninghausen, some did support his positions. Oboler (Wedgeworth et al., 1973) suggested that Berninghausen was entirely correct in declaring that a complete dedication to social responsibility “as his sole guide to book selection would surely be practicing ‘homegrown suppression’” (p. 30). Martin (Wedgeworth, et al, 1973) differentiated between “the performance of library service [which] in itself a social responsibility,” (p. 30) and “the many others [social causes] which I may support as a private person,” (p. 30), concluding that when librarians voice opinions on which there are a wide variety of points of view, an “ever-widening credibility gap” is opened “between citizens and their institutions” (p. 30).

These opinions, however, were in the minority. Most respondents objected in part or in whole to Berninghausen's characterization of librarians and librarianship as entities disinterested in their social milieu. Some noted that libraries, particularly public libraries, have always been considered social institutions: "Libraries have been variously promoted as alternatives to taverns, as a means of 'Americanizing' immigrant populations, and as stabilizing social forces providing cultural and educational enrichment during the Depression" (Wedgeworth et al., 1973, p. 25). Jones (Wedgeworth, et al., 1973) echoes this sentiment in speaking of the purpose of public libraries:

Why, libraries were molded by all manner of 'non-library problems' of history! A dramatic example is the public library, which has been shaken to its foundation by the travail of today's cities. Its fate is inextricably interwoven with the sociology of the city, and its salvation lies in its ability to comprehend and respond to radically changed urban needs. (p. 33)

The most often-cited objection to Berninghausen's views, however, was simply that there is no issue, be it war, poverty, or social injustice that does not involve or affect libraries in some way. As Betty-Carol Sellen (Wedgeworth, et al., 1973) remarked:

If it can be shown that a vital institution such as libraries...is being damaged because resources are expended on killing people rather than on books and libraries, then that war is relevant to librarians as librarians. And when librarians as librarians are spending thousands of convention dollars to support racist or sexist facilities, then it is within the proper scope of the ALA to consider and seek alternatives. (p. 27).



Fast forward to the first decade of the twenty-first century, which is marked as another time of war and social unrest, to a debate strikingly similar to the one begun by David Berninghausen. Is remaining politically neutral and focused upon issues directly affecting librarianship, particularly in times of social and economic unrest, an ethically viable stance, or are librarians, regardless of political persuasion, ethically bound to follow the dicta of a professional organization routinely associated with liberal political positions, including opposition to the *USA PATRIOT Act* (2001)?

Many of the arguments, both pro and con, regarding library neutrality echo the debates of the Berninghausen era. And like the arguments of that era, many opinion pieces have been written on the subject, yet little substantive research on the topic has been completed. Librarians who endorse ALA positions on social issues not specifically related to libraries and librarianship argue that every social issue has some ramification for librarianship. For example, Rosenzweig (2008) observed that “every new problem which arises whether it has to do with a new technology or responses to a new social crisis, involves questions of the library’s relations to the rest of society which cannot [help] but have a political dimension” (p. 7). Durrani and Smallwood (2008) echoed this sentiment, saying:

There is no way that librarians are or can be neutral in the social struggles of their societies. Every decision they make—how much to spend on books, which books to buy, what staff to appoint, how to manage services—is a reflection of their class position and world outlook. (p. 123)

Beginning in 2001, the neutrality debate became more heated, particularly given the passage of the *USA PATRIOT Act* and the beginning of the war in Iraq. While some

librarians continued to argue that wars and the reasons for their existence were hardly library concerns, many argued otherwise. As Sparanese (2008) commented:

Many of the rights and liberties we Americans have taken for granted with regard to information seeking are threatened in the new political climate. The impending war against Iraq threatens libraries—everybody with any common sense can see that when money is spent for bombs and war, it cannot be used for institutions such as libraries. (p. 79).

While an ALA resolution opposing the war in Iraq ultimately failed to pass in a 2003 vote by the ALA Governing Council, Berry (2003) argued that this was a misinformed decision brought about in part by councilors who felt that ALA should not engage in political debates having no direct effect on the profession of librarianship and the well-being of libraries. However, Berry argued,

many believe that the current budget woes of libraries, and the loss of state and local support, will only get worse as the cost of the war escalates...librarians who oppose the war in Iraq war must continue to press ALA to take a stand. (p. 8)

ALA's proclamations on "non-library" issues, however, are not limited to the Iraq War. In 2007, ALA passed a resolution opposing the so-called Financial Bailout Bill (Legislative Proposal for Treasury Authority to Purchase Mortgage-Related Assets), primarily because ALA's Council advocated for "transparency with all relevant records publicly available and best practice whistleblower protection for all employees connected with the new law," ("ALA Opposes," ¶4) something the Council believed had not been achieved by the bill's sponsors.

In 2006, at ALA's Midwinter Meeting, Council "passed a resolution against confirming Samuel Alito as a Supreme Court justice" (Annoyed, 2008, p. 577) on the same day that he was confirmed by the Senate. At the 2007 annual conference in which a resolution urging an end to funding for the Iraq War failed, so too did a resolution calling for the impeachment of President George Bush. (Annoyed, 2008, p. 578).

Those librarians who believe that the American Library Association has become far too involved in national political issues cite one overriding reason for their objections. The library community has a wide variety of substantive concerns—dwindling federal and state funding for libraries; recruitment strategies for a profession staffed by large numbers of professionals nearing retirement age; information literacy instruction for a generation of students often unfamiliar with their libraries' resources, etc.,--to which it should pay attention. Opponents of the politicization of ALA argue that any political activities not directly related to librarianship divert human and monetary resources away from substantively addressing vital library issues, while at the same time lessening ALA's impact upon those issues.

Members of ALA's governing body, the Council, as well as its officers, have long been aware of the controversy inherent in ALA's assuming political positions tangentially, if at all, related to librarianship. In 1993, the then-ALA president Marilyn Miller observed that approximately 900 ALA members per year fail to renew their memberships, for reasons ranging from the financial to disagreement with the organization's political agenda. Miller noted that she had received many communications from those members leaving the organization for political reasons: "One member informed me by letter that she was dropping her membership after 26 years because ALA

had become a collection of ‘political hacks.’ She also apologized for voting for me because I had done nothing to change this.” (p. 578). Miller concluded that these librarians might well have a valid point:

Profoundly important library issues are literally stacking up: increasing censorship attacks, eroding funding, threats to equal access to government information as technological capability develops, the deterioration of school libraries, and continued low salaries for librarians. Let’s focus on solutions to these problems—to improve our ability to empower people through libraries. (p. 578)

As the Annoyed Librarian, an anonymous blogger for the journal *American Libraries*, commented:

...I like to think that a provocative voice repeatedly arguing against the efforts of the SRRT [Social Responsibilities Roundtable] has emboldened some ALA Councilors to stand up for principles they already believed in—that the ALA should take stands on issues related to librarianship, including intellectual freedom and privacy, rather than lend their name to irrelevant political positions. (p. 578)

Davison-Turley (2004) echoes these sentiments in her description of frustrations encountered at a 2004 American Library Association Annual Conference, in a session ostensibly convened in order to develop the Association’s strategic plan. Instead, the chief topic of conversation was two resolutions, “one deploring the use of torture and one demanding a complete withdrawal of troops from Iraq” (§ 1). Unlike the vast majority of members speaking in favor of the resolutions, Davison-Turley suggested that perhaps

not all—or even the majority—of ALA’s membership would feel comfortable in supporting the resolutions, and that such diversity of opinion should be kept in mind. Another attendee suggested that other, more library-oriented issues might be better debated than “highly controversial political issues” (§ 5). Both women, according to Davison-Turley, were derided by other pro-resolution speakers, with one speaker stating that “since I was not for the resolution opposing torture, I must therefore be in favor of torture” (§ 4).

Davison-Turley concluded that for practical purposes, “intellectual freedom” in ALA’s parlance must mean adherence to a liberal viewpoint on issues which some would consider beyond the scope of a library professional organization. As she concludes: “What matters is that we keep our focus on what is best for librarianship and not become what our perceived enemies are: knee-jerk reactives, with minds closed to any but the words we have already whispered to ourselves” (§ 10).

### **Conclusion**

A review of the literature on intellectual freedom generally and the *USA PATRIOT Act* (2001) specifically demonstrates that although the American Library Association has consistently opposed the Act and the wars that began in response to the attacks of September 11, 2001, many librarians do not agree with the Association’s positions on these issues. While the profession as a whole continues to promote intellectual freedom and resistance to governmental intrusion upon library patrons’ records, enough dissent has been expressed in the literature to further examine academic librarians’ attitudes toward both intellectual freedom within the American Library

Association and also toward the *USA PATRIOT Act* (2001). The following chapter will outline the survey and analysis methods for a study of these attitudes.

## **Chapter III: Methods**

### **Introduction**

This non-experimental study examined the extent to which the attitudes of academic librarians in the United States reflect the official stance of the American Library Association regarding both the *USA PATRIOT Act* (2001) and the principles of intellectual freedom as well as the possible causes for these librarians' attitudes. In order to assess these attitudes, a questionnaire explored a) demographics of the study sample; b) librarian attitudes regarding intellectual freedom and privacy, particularly as they relate to the *USA PATRIOT Act* (2001); and c) whether these attitudes conform to the stated positions of the American Library Association on intellectual freedom, privacy, and the *USA PATRIOT Act* (2001). This chapter will outline the study's methodology, including research questions, participant selection, description of the instrument, validity of the instrument, data collection procedures, and data analysis. Limitations of the study will also be addressed.

### **Research Questions**

The research questions for this study follow:

1. Do academic librarians' self-perceived levels of affiliation with the American Library Association affect their attitudes toward the *USA PATRIOT Act* (2001)?
2. Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes regarding intellectual freedom for librarians and, if so, in which direction?

3. Does the *USA PATRIOT Act* (2001) compromise intellectual freedom as practiced by academic librarians?
4. Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding intellectual freedom?
5. Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding information privacy?

### **Participants**

The population for this study was composed of professional librarians currently employed at academic libraries in the U.S.A. A random stratified sample (strata=type of academic library) was taken from the population of university, college, and community college librarians. Although librarians share a number of defining characteristics—being information providers, for instance—academic libraries of different types have different missions, clientele, and purposes. Therefore, within the broad sample of academic libraries, stratifying by type of library allowed comparisons among these groups in order to identify similarities and differences among their beliefs, attitudes, and experiences. Approximately 26,500 professional librarians work in United States universities, colleges, and community colleges (National Center for Education Statistics, 2008, p. 2); therefore, according to Orcher (2005), an appropriate sample size for a population of approximately 30,000 is 750.

Given the highly-publicized case of *Doe v. Gonzales* (2005). and gag orders imposed on Library Connection employees through the *USA PATRIOT Act* (2001), some librarians in the study's population may have been initially unwilling to complete a survey including inquiries regarding the Act. However, the introduction to the survey



clearly noted that survey data was aggregated and that survey responses will remain anonymous. In addition, the survey included no questions relating to whether or not librarians have received queries from law enforcement officers, either local (police or sheriffs' departments) or federal (FBI), as the "gag provision" of the *USA PATRIOT Act* (2001) specifically prohibits discussion of any federal information inquiries by those served with such requests. Survey questions only served to illuminate the research areas addressed by this study; for instance, librarians' attitudes toward intellectual freedom, patron privacy, and the *USA PATRIOT Act* and the degree to which librarians' attitudes coincide the formal declarations regarding these topics from the American Library Association.

Regardless of the above safeguards, the researcher recognized that the return rate for the questionnaire might be limited. Therefore, the researcher sent out 1,200 questionnaires, or 400 per stratum (community college, college, and university). Members of the population were identified through use of the *American Library Directory*, a database listing staff contact information for all United States libraries. Additional contact information was sought from the hard copy of the *American Library Directory*. Random samples for each stratum were generated through the use of an online random number generator.

### **Description of the Instrument**

The Academic Librarian Intellectual Freedom and Information Privacy Survey consisted of twenty-five questions addressing librarians' perceptions of and attitudes concerning four major topics: intellectual freedom, information privacy, The *USA PATRIOT Act*, and the American Library Association's position on these topics. Twenty-

three of these questions were Likert-style inquiries with a scale ranging from strongly disagree to strongly agree, while the final two questions are open-ended.

Section 1 addressed intellectual freedom in academic libraries and librarians' attitudes concerning intellectual freedom. Of the eight questions in this section, one sought to discover librarians' personal commitment to the concept of intellectual freedom; three questions addressed any changes in personal library usage since the passage of the *USA PATRIOT Act*, and four questions addressed any changes in librarians' commitment to intellectual freedom for patrons in light of the passage of the *USA PATRIOT Act*.

Section 2 addressed academic librarians' attitudes toward information privacy in academic libraries. Of the four questions in this section, two specifically sought to discover if librarians have changed any professional habits in light of the passage of the *USA PATRIOT Act*. The remaining two questions covered librarians' opinions regarding the sanctity of information privacy in academic libraries.

Section 3 addressed academic librarians' attitudes toward the *USA PATRIOT Act* and its potential effects upon libraries. Of the four questions in this section, two covered librarians' attitudes toward the *USA PATRIOT Act*, while the remaining two questions addressed librarians' levels of agreement with American Library Association statements and activities regarding the Act.

Section 4 covered academic librarians' attitudes toward the American Library Association's positions on intellectual freedom, information privacy, and the *USA PATRIOT Act*. Of the eight questions in this section, one asked if the responding librarian is a member of the American Library Association; a follow-up for those who responded

in the negative asked why the respondent is not a member. One question asked whether or not the respondent perceived the American Library Association to be an organization with a defined political identity; two questions specifically addressed librarians' attitudes toward ALA activism in political and social issues. One question asked the respondent for their level of agreement with the American Library Association regarding intellectual freedom. The final two questions asked the respondent to compare and contrast his or her views regarding both intellectual freedom and information privacy with the official positions of the American Library Association on these issues.

### **Validity and Reliability of Measures**

#### **Academic Librarian Intellectual Freedom and Information Privacy Survey**

A number of procedures were employed to measure the validity of the Academic Librarian Intellectual Freedom and Information Privacy Survey. First, prior to the full implementation of the questionnaire, a pilot test was conducted to determine content validity. A sample of academic librarians participated in a pilot test. Following completion of the questionnaire, respondents were asked to evaluate the language of the instrument, i.e., are the questions easily understood? Additionally, respondents were asked to assess the questionnaire's length—is it too short? Too long? Respondents were also asked to evaluate the description of the project/questionnaire and the completion instructions: does the description adequately address the purpose and value of the study? Content validity was also be verified through the use of expert review. Highly experienced academic librarians evaluated the applicability and completeness of the questionnaire inquiries. According to Rea and Parker (2005), “the sample size for the pretest is generally in the range of twenty to forty respondents” (p. 42); further, this

sample need not be chosen through random sampling procedure nor consideration of sample size requirements. As such, “the only requirement is that the pretest respondents bear a reasonable resemblance to the study’s actual general population” (p. 42). Given these guidelines, this researcher chose a convenience sample of experienced professional librarians from the immediate geographic area to evaluate the proposed questionnaire.

Construct validity was determined by conducting a factor analysis of survey questions. A survey blueprint was constructed in order to validate the distribution and content of survey questions. Questionnaire items that were identified as outliers in the factor analysis, as well as those items not categorized in the survey blueprint, were eliminated in order to improve the validity of the measure.

### **Open-ended questions in the Academic Librarian Intellectual Freedom and Information Privacy Survey.**

In addition to the above procedures to ensure reliability and validity of closed-ended questions in the Academic Librarian Intellectual Freedom and Privacy Survey, open-ended responses were be subjected to a content analysis in which stated categories will be “judged by two criteria: *internal homogeneity* and *external heterogeneity*” (Patton, 2002, p. 465). Internal homogeneity is defined as the “extent to which the data belong in a certain category hold together or ‘dovetail’ in a meaningful way” (p. 465), while external heterogeneity “concerns the extent to which differences among categories are bold and clear” (p. 465). In analyzing the content of open-ended responses, then, coded items should be able to be categorized, as well as fitting into singular categories. As Patton (2002) has said, “The existence of a large number of unassignable or overlapping data items is good evidence of some basic fault in the category system” (p.

465). In addition, the categories and coding “should be reproducible by another competent judge” (Patton, 2002, p. 466). Therefore, a second coder/data reviewer examined and coded the data with an inter-reliability average of approximately 85%; that is, both the researcher and second coder should code 85% of the data in a like manner.

### **Limitations of the Study**

The topics covered by this survey--intellectual freedom, information privacy, the *USA PATRIOT Act* (2001), and the American Library Association’s positions on these issues—have engendered a good deal of discussion and debate among members. Given the American Library Association’s official position of support for intellectual freedom and information privacy, and its opposition to Section 215 of the *USA PATRIOT Act* (2001), librarians might have been hesitant or even unwilling to express dissent from the ALA in writing, even given the confidential nature of the survey. Therefore, one potential limitation of this study is response bias, which Paulhus (1991) has defined as “a systematic tendency to respond to a range of questionnaire items on some basis other than the specific item content (i.e., what the items were designed to measure)” (p. 17). One form of response bias is “socially desirable responding (SDR), the tendency to give answers that make the respondent look good” (p. 17). Hence, if the American Library Association deems support of intellectual freedom and information privacy and opposition to the *USA PATRIOT Act* as desirable ethical behaviors for librarians, respondents to the survey might have self-reported exaggerated levels of like opinions with the ALA on these topics.

### **Data Collection Procedures**

After a random sample was chosen from each of the strata (community college, college, and university) populations, the survey instrument was distributed via e-mail to the sample participants. The instrument introduction provided a short description of the research, with a brief introduction to the reason for the study to establish credibility, as well as an assurance of anonymity and confidentiality of responses. Instructions and return dates for survey return were also included.

Questions were constructed using the software program Survey Monkey, and were distributed through a link in the e-mail to potential survey participants. As e-mail systems used by higher education systems are routinely subject to filtering, an introductory message alerting participants to the forthcoming questionnaire was sent approximately one week prior to the instrument distribution. One week after questionnaires were distributed electronically, a reminder e-mail was sent to non-respondents, again with a link to the questionnaire. A second reminder was sent approximately three working days after the first reminder.

In order to encourage participation in the survey, respondents were offered the opportunity to participate in a random drawing for two Amazon.com gift certificates of \$100 each. A link to a drawing entry form requesting contact information (name, e-mail address, and phone number) was provided to participants who completed the survey. This entry form was entirely separate from the survey response form, and participation in the drawing was completely optional. At the completion of data collection, Survey Monkey randomly selected two winners from the drawing participants. The winners were notified by e-mail and the researcher provided electronic gift certificates, also by e-mail.

### **Analysis of Survey Data**

Quantitative survey data was analyzed first through the use of descriptive statistics, including measures of central tendency, frequencies, and standard deviations. Quantitative data was then analyzed through the use of one-way analyses of variance (ANOVA). The dependent variables for this study were librarians' values and beliefs regarding a) the *USA PATRIOT Act* (2001); b) intellectual freedom within the library profession; c) information privacy; and d) intellectual freedom. The independent variables for this study were a) respondents' self-perceived affiliation with the American Library Association; b) the categories of institution with which respondents are affiliated (community college, college, or university libraries); and c) the passage of the *USA PATRIOT Act* (2001). Specific methods of analysis for each research question of the study are delineated below:

*Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes toward the USA PATRIOT Act? (2001)*

A simple analysis of variance (ANOVA) was conducted to "compare the variability between groups (which is due to the grouping factor) to the amount of variability within groups (which is due to chance)" (Salkind, 2004, p. 198). Group differences were compared for the dependent variable in this research question, respondents' attitudes toward the USA PATRIOT Act, in terms of the independent variables of type of institution and self-affiliation with the American Library Association. If significant differences among mean responses for the above variables were detected, Tukey's HSD test was to be employed to discover the origin of the difference.

*Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes regarding intellectual freedom for librarians and, if so, in which direction?*

A simple ANOVA was conducted to ascertain group differences (if any) on the dependent variable, academic librarians' attitudes toward intellectual freedom, in terms of the independent variables of self-perceptions of affiliation with the American Library Association and type of institution in which the respondent is employed (community college, college, or university). If statistically significant differences were found in the above procedure, a post-hoc Tukey's HSD test was to be employed to identify the origin of these differences.

*Does the USA PATRIOT Act (2001) compromise intellectual freedom as practiced by academic librarians?*

A simple ANOVA was conducted to determine group differences on the dependent variable, the practice of intellectual freedom by academic librarians, in regard to the independent variables of the passage of the USA PATRIOT Act and the type of library in which the respondent is employed (community college, college, and university). If statistically significant differences were found in conducting the above procedure, a post-hoc Tukey's HSD test was to be employed in order to identify the origins of the difference(s).

*Does the USA PATRIOT Act (2001) make academic librarians rethink their values and beliefs regarding information privacy?*

A simple ANOVA was conducted to ascertain whether or not group differences occur across the dependent variable, academic librarians' values and beliefs regarding



information privacy, in terms of the independent variables of the passage of the USA PATRIOT Act (2001) and the type of institution in which the respondent is employed (community college, college, or university). If statistically significant differences were found in terms of the dependent variable, a post-hoc Tukey's HSD test was to be employed to identify the origin(s) of the difference.

*Does the USA PATRIOT Act (2001) make academic librarians rethink their values regarding intellectual freedom?*

A simple ANOVA was conducted to ascertain group differences, if any, occurring across the dependent variable, academic librarians' values and beliefs regarding intellectual freedom, in terms of the independent variables of the passage of the USA PATRIOT Act (2001) and the type of institution in which the respondent is employed (community college, college, or university). If statistically significant differences were found in terms of the dependent variable, a post-hoc Tukey's HSD test was to be employed to identify the origin(s) of the difference.

### **Summary**

The Academic Librarian Intellectual Freedom Survey was designed to answer the research questions inherent in this study: 1) Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes toward the *USA PATRIOT Act* (2001), and if so, in what direction?; 2) Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes regarding intellectual freedom for librarians?; 3) Does the *USA PATRIOT Act* (2001) compromise intellectual freedom as practiced by academic librarians?; 4) Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding

intellectual freedom?; 5) Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding information privacy? In Chapter 4, results of these measures will be discussed.

## Chapter IV: Data Analysis and Findings

### Introduction

The Academic Librarian Intellectual Freedom Survey was distributed to a random stratified sample (strata=community college, college, and university librarians) of 1,200 academic librarians, with 400 librarians included in each stratum. The sample was drawn from the 11,546 academic librarians listed in the *American Library Directory*, a comprehensive directory of U.S. librarians including contact information.

Prior to the distribution of the survey, the researcher sent an introductory e-mail to sample members, briefly introducing the project and outlining the purpose of the research. Sample members were also told that those completing the survey would have the option to enter a random drawing for a \$100 Amazon.com gift card at the end of the survey.

Surveys were distributed using an embedded e-mail link generated by Survey Monkey software. A separate e-mail link was created for each strata of the survey in order to facilitate identification of the participants by strata. The first e-mailing of the instrument resulted in 223 responses (18.58% of the total). As this number was insufficient to reach statistical viability, a reminder e-mail was distributed three working days after the first distribution, resulting in an additional 101 responses (or an additional 8.4% of the total). A third and final reminder was sent approximately one week after the initial reminder, resulting in an additional 49 responses (or an additional 4% of the total). The final number of responses received was 373, or 31.1% of all surveys distributed.

### **Demographics of the Sample**

Of the 373 respondents, 138 (38.9%) were university librarians; 113 (31.8%) were college librarians; and 104 (29.3%) were community college librarians. Eighteen members of the sample indicated their status as “other,” with most of these specifying a particular type of academic institution within the broader designations of community college, college, or university library, including law and medical libraries affiliated with institutions of higher learning, tribal colleges, or two-year technical colleges. The majority of respondents (255 or 69.1%) were not tenured faculty members, while 114 (30.9%) were tenured. Four respondents did not provide information regarding their tenured status. Length of service as an academic librarian ranged from two to forty-five years, with the average length of service 18.9 years.

### **Results Grouped by Research Question**

Overall results of the Academic Librarian Intellectual Freedom Survey are outlined below, and are grouped by the research question individual survey questions were designed to address. This study explores the following research questions: 1) Do academic librarians’ self-perceived levels of affiliation with the American Library Association affect their attitudes toward the *USA PATRIOT Act*? (2001); 2) Do academic librarians’ self-perceptions of affiliation with the American Library Association affect their attitudes regarding intellectual freedom for librarians and, if so, in which direction?; 3) Does the *USA PATRIOT Act* (2001) compromise intellectual freedom as practiced by academic librarians?; 4) Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding intellectual freedom?; 5) Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding

information privacy? Survey results for the entire sample are reported below, grouped by the research question the survey inquiries were designed to address.

*Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes toward the USA PATRIOT Act? (2001)*

Four survey questions addressed the above research query. The first, "To what extent do you agree with this statement from the American Library Association: 'Certain sections of the USA PATRIOT Act endanger constitutional and privacy rights of users?'" garnered the following results: 260 respondents (77.6%) either "agreed" or "strongly agreed" with the statement. 43 respondents (12.8%) "neither agreed nor disagreed," while 27 members (7.5%) of the sample either "disagreed" or "strongly disagreed" with the statement. Seven respondents (2.1%) chose the "prefer not to answer" option. Thirty-eight (38) respondents skipped this question.

The second question to address this research query, "I believe that the possibility of greater government surveillance enabled by the USA PATRIOT Act is an acceptable tradeoff for increased domestic security," provided a more varied response range. In this case, 212 (62.9%) either "disagreed" or "strongly disagreed" with the statement; however, 58 respondents (17.2%) either "agreed" or "strongly agreed" that the possibility of greater government surveillance was acceptable if it provides increased domestic security. An equal number of respondents, 58 (17.2%) neither agreed nor disagreed with the statement, leading again to the question of whether this indicates no real opinion, a lack of knowledge regarding the PATRIOT Act, or some other possibility. A slightly larger number of respondents, nine (2.7%), marked "prefer not to answer."

Responses to the statement “I believe that the USA PATRIOT Act directly violates my constitutional freedoms” provided the lowest level of agreement among the four questions directed to this research query. 186 respondents (55.5%) either “agreed” or “strongly agreed.” However, 63 respondents (18.8%) either “disagreed” or “strongly disagreed.” Of the four survey queries designed to answer Research Question One, the largest number responded “neither agree nor disagree,” with 73 respondents (21.8%) choosing this option. The highest percentage of “prefer not to answer” responses was also recorded for this question, with 13 members of the sample (3.9%) choosing this response.

The final survey question informing Research Question One, “I support the American Library Association’s Congressional lobbying efforts to modify various provisions of the USA PATRIOT Act,” provided the highest level of agreement with the statement, with 78.3% (264 respondents) affirming it. Only twenty-five respondents “disagreed” or “strongly disagreed.” Forty-three respondents (12.8%) marked “neither agree nor disagree,” while ten respondents (3.0%) “preferred not to answer.”

In order to determine whether differences among the sample strata (community college, college, university) were statistically significant, a simple ANOVA was conducted. Any questions stated in the negative were first reverse-coded to ensure correct weighting of responses. Then, the variables corresponding to Research Question One were transformed into a single variable before producing the ANOVA analysis. The analysis was not significant for type of library,  $F(2,318)=1.22$ ,  $p=.29$ .

In order to determine whether differences between ALA members and non-ALA members were statistically significant, an independent samples t-test was conducted, with membership in ALA as the independent variable, and opinions of the USA PATRIOT

Act as the dependent variable. Results of the independent sample t-test were not statistically significant,  $t(332) = .68$ ,  $p = .08$ .

*Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes regarding intellectual freedom for librarians and, if so, in which direction?*

Of the 373 survey respondents, 336 answered the question regarding ALA membership. 53.9% (181 respondents) indicated that they are members of the American Library Association, while 46.1% (155 respondents) said they were not members. The vast majority of those who indicated non-membership in ALA noted their reason as “dues too expensive” (78.2%, or 97 respondents). 52.4% (65 sample members) noted “not enough benefits to membership.” A combined 6.4% noted lack of concern with intellectual freedom, information privacy, and the USA PATRIOT Act as reasons for non-membership.

Fifty-one respondents chose “other” as a reason; of these, twenty noted memberships in library associations they considered more relevant to their specific areas of employment, including SLA (Special Library Association), AALL (American Association of Law Libraries), and MLA (Medical Library Association). Fifteen respondents indicated ALA’s positions on social and political issues as reasons for non-membership. One respondent commented, for instance, “I do not agree with [the] American Library Association’s stance on political issues and believe that the purpose of the association is often subverted by individuals to make particular political statements in which I do not believe.” Others noted specific responses from ALA that dissuaded them from membership: “The ALA’s shameful support of the boycott of South Africa. You

don't stop the flow of ideas, you encourage them. The only way to defeat bad ideas/actions is with good/better ones!" Others made distinctions among the types of causes ALA supports: "I do not agree with ALA's non-library political and social positions, but I see the library provisions of the Patriot Act as ALA territory." The remaining fifteen respondents had miscellaneous reasons for non-membership, ranging from "too expensive AND I'm lazy" to "I'm not a lemming-like follower of every trendy, vendor-initiated fad."

Concerning respondents' personal levels of agreement with ALA on the broad topic of intellectual freedom, those surveyed overwhelmingly indicated strong support of ALA's positions. 217 (65%) either "disagreed" or "strongly disagreed" with the statement "I have frequently experienced a disconnect between my personal views regarding intellectual freedom and those of the American Library Association." However, 66 respondents (19.8%) "neither agreed nor disagreed." When asked their level of agreement with the statement "The American Library Association does *not* exhibit any particular political identity," 44.4% (149 respondents) either "disagreed" or "strongly disagreed." However, 37.7% (124 respondents) either "agreed" or "strongly agreed" that the ALA does not exhibit a particular political identity. Fifty-three respondents (17.3%) neither agreed nor disagreed, while 4 participants (1.2%) preferred not to answer.

In response to the statement "The American Library Association's statements regarding political issues divert attention from efforts to solve library-related problems," 174 respondents (51.8%) either "disagreed" or "strongly disagreed." Given the breakdown of responses to the "ALA's political identity" question referenced in the



paragraph above, it would appear that a significant number of respondents both believe that ALA does exhibit a political identity and that this is either a positive or perhaps a neutral characteristic. In fact, 72 respondents (21.6%) “neither agreed nor disagreed” that ALA’s political stances divert attention from library problems.

Similar responses were recorded for the statement “Librarians should focus their professional energies upon issues having only to do with libraries (funding, recruitment, library education), not upon social issues.” 222 respondents (65.6%) either “disagreed” or “strongly disagreed,” an even higher level of disagreement than recorded for the political stances question in the above paragraph. 64 participants (19.1%) did either “agree” or “strongly agree” with the statement,” with 43 (12.8) “neither agreeing nor disagreeing.”

In order to determine whether differences among the sample strata (community college, college, university) were statistically significant, a simple ANOVA was conducted. Any questions stated in the negative were first reverse-coded to ensure correct weighting of responses. The analysis was not significant for type of library,  $F(2,319)=1.54$ ,  $p = .22$ .

In order to determine whether differences between members and non-members of ALA were statistically significant, an independent samples t-test was conducted, with membership in ALA the independent variable, and attitudes toward intellectual freedom the dependent variable. Differences were not significant, with  $t(330)= -.68$ ,  $p=2.38$ .

At the end of the survey, participants were asked to reply to two open-ended questions, “Please use this area to compare and contrast your attitudes and beliefs with those of the American Library Association regarding intellectual freedom,” and “Please

use this area to compare and contrast your attitudes and beliefs with those of the American Library Association regarding information privacy.” These open-ended responses were subjected to a content analysis. To ensure consistency and reliability, the categories and coding “should be reproducible by another competent judge” (Patton, 2002, p. 466). Therefore, a second coder/data reviewer examined and coded the data, resulting in an inter-reliability average of approximately 87%. One hundred six respondents answered the intellectual freedom question, with fifty-three respondents providing unqualified support of the American Library Association’s stance on intellectual freedom. A typical comment appears below:

I support the Office of Intellectual Freedom’s mission to defend the Library Bill of Rights 100%; censorship should be challenged; materials selected and offered that provide for diverse views; library use should not be denied and free access and free speech supported; that right should be protected and ALA should join with other groups also supporting that mission. Intellectual freedom IS a core foundation principle of librarianship—I don’t believe it’s possible to restrict our professional activities to ‘library issues only’ without a full understanding of all the ramifications of intellectual freedom and privacy issues—they are so intertwined we can’t separate them from our mission as librarians. These issues ARE ‘library related issues.’ These principles are one of the reasons I chose this career.

Other respondents felt as if ALA's position on intellectual freedom were not strong enough; for instance:

I believe very strongly in intellectual freedom, and I appreciate that the ALA does as well. I understand that the ALA sometimes has to temper its statements and be politic even when individual librarians' passions may be running high about issues. Thus, while I may wish for a more passionate outcry against attempts to limit intellectual freedom, I do strongly agree with the position of the ALA OIF.

Another respondent, echoing the above comment, said, "I am to the left of ALA—they are too timid at times, and too willing to compromise. Since the 'center' of American politics has shifted so far to the right, that has shifted them to the right."

Those who found differences between their own stances on intellectual freedom and ALA's ranged from those who had a single point of disagreement to those who felt disconnected from ALA's stance completely. For instance, this respondent took issue with children's having complete freedom of information access in libraries:

My views are aligned with those of ALA regarding intellectual freedom with one possible exception. Although I am against CIPA [the Child Internet Protection Act] because I do not believe that technology can or should supervise children, I have difficulty with the notion that children should have access to any and all information. Therefore, my support for the ALA position in this area is neutral. I am just a little uncomfortable with the ALA position regarding children.

Those who seemed to disagree with ALA's stance on intellectual freedom tended to be concerned with the tension between public safety and intellectual freedom:

The question is whether intellectual freedom, understood as the right to freedom of thought and expression, is an absolute right. Under certain circumstances it may conflict with another right; for example, that of a government to ensure the security of its citizens. ALA's position is that it's an absolute right, and doesn't take into account time, place, and circumstance.

Another respondent provided commentary specifically dealing with the terrorist attacks of September 11, 2001:

One of the planners of the attack on Sept 11 used a nearby community college library to research the World Trade Center building plans. Should his 'freedom' [have] been protected at all costs in comparison to potentially stopping the events in New York City? I side with the need for our federal information agencies to have some latitude on seeing what the enemies of this country are up to in their 'research' in free public libraries.

Some respondents felt that ALA's positions on both intellectual freedom and politics leaned unnecessarily to the liberal. One respondent noted "I don't have a problem with ALA's stance on intellectual freedom, although my personal stance is more moderate. I do not feel that ALA has tolerance for more moderate stances."

Another member of the sample commented:

I am mostly uncomfortable with the ALA. They seem ultra liberal and take stands on issues I don't agree with. I believe they fight harder for intellectual freedom for liberals than for conservatives. I believe strongly (I think; depending on their

definition) in intellectual freedom. But all freedoms come with responsibilities and there seems to be no discussion of what those are. I'm vague on them myself.

A final comment from a critic of ALA focuses not only on the purported liberal leanings of the association, but also with liberalism with the academy:

I think the ALA has the basic concepts right, but has drifted into a position that is both reactionary and stagnant. Reactionary in its attitude about certain things like the *Patriot Act* and stagnant in its knee jerk responses. Like most of academia, the ALA has become a cookie cutter cliché of left wing ideology. This is not a healthy situation.

Several respondents noted the acceptable tension between personal beliefs and professional responsibilities:

I know some librarians feel a disconnect between their views and those expressed by ALA. This is often based on local situations and type of library. Since the organization represents ALL libraries, there is bound to be tension between the Association and its sub-groups or individual perspectives. I prefer ALA continue to fight for the broadest perspectives in intellectual freedom, even though some of those perspectives may conflict with my personal beliefs. As a professional, I sometimes have to set aside my personal reactions in order to provide professional service. No less should be expected of ALA.

Another respondent appears to agree with the above statement:

I agree with the statements relating to intellectual freedom and information privacy issued by ALA that I've read. As an individual, I can afford to be more flexible in my opinions, basing them on the circumstances of the moment. I

understand that ALA is a large body, and has assumed the unenviable task of attempting to represent the library profession and the existence of libraries and their roles in communities across the country. Our libraries need this voice, but I know there are those who do not feel ALA represents them. However, it is the only national organization I know of that has assumed this role, and as a dedicated librarian I feel grateful to them for at least trying to be heard.

One hundred two respondents provided comments for the question “Please use this area to compare and contrast your attitudes and beliefs with those of the American Library Association regarding information privacy.” Forty-six respondents agreed without qualification with ALA’s stance on information privacy. A typical response appears below:

I totally support the ALA policy regarding the privacy of the individual to pursue, read, study, and comment on information in any of its forms—and I believe that privacy is essential to freedom of expression. Privacy is what protects the individual expression from harassment, intimidation, or discrimination. The power of the state is abused when directed toward controlling individual speech and expression. Privacy provides only one small form of protection from that abuse.

Some respondents felt that ALA did not go far enough in its support of information privacy:

The ALA once again does not go far enough in resisting invasions into patron privacy. For example, they have stated on numerous occasions that librarians should

honor search warrants when/if the government presents them in the attempt to view patron records. They should, instead, resist at all costs this invasion.

However, some respondents did note possible exceptions to absolute information privacy. For instance, these librarians noted that there should be no protection for those breaking the law: “There is no constitutional protection for those who would break the law. Information privacy should be limited to those who are law-abiding citizens.” Another respondent commented, “Librarians should protect privacy unless there is a legal reason to break it.”

Those who noted possible exceptions ALA’s doctrine of information privacy in some instances referred specifically to the USA PATRIOT Act and terrorism. For instance, one respondent commented, “We as a profession should not enable terrorism by providing safe haven for their misuse and abuse of information resources and access.” Another respondent mentioned the USA PATRIOT Act’s potential positives:

I generally agree with the ALA, but I think it tends to move too slowly and adjust too slowly in today’s fast paced world. I am not necessarily against the Patriot Act, because it may have in fact saved a lot of lives and prevented terrorism. I don’t think our information is all that private, especially in a library, which is a public institution. There may be some gray areas regarding library and information privacy that arise because of the web, but the ALA does not seem to want to explore that area.

*Does the USA PATRIOT Act (2001) compromise intellectual freedom as practiced by academic librarians?*

This research question sought to discover whether or not academic librarians have changed their own information-seeking behaviors, both personal and professional, since the passage of the *USA PATRIOT Act* (2001).

In a professional setting, it would appear that respondents have not experienced a change in their commitment to balanced collections in light of the passage of the Act. In response to the statement “I have been less supportive of developing library collections including multiple viewpoints on controversial topics since the inception of the USA PATRIOT Act,” 327 respondents (94%) either “disagreed” or “strongly disagreed.” Seven respondents either “agreed” or “strongly agreed,” while 1 respondent (.3%) “preferred not to answer.” Eleven respondents (3.2%) neither agreed nor disagreed with the statement.

Two questions sought to discover whether or not respondents had engaged in self-censorship of either their reading or Internet-searching habits since the passage of the Act “for fear that their records could be misunderstood.” Fewer respondents appeared to be concerned about invasion of their reading records, with 327 respondents (94.5%) indicating that they either “disagreed” or “strongly disagreed” that they had engaged in self-censorship of their reading. Only seven respondents (2.0%) indicated either agreement or strong agreement with the statement, while 3.2% (11 respondents) “neither agreed nor disagreed.” When asked specifically about the possibility of governmental officials having access to their personal library records, including circulation records, 211 respondents (63.3%) either “agreed” or “strongly agreed” that they were unconcerned. However, 30% (104 respondents) either “disagreed” or “strongly disagreed” that they were unconcerned about potential governmental access to their personal library records.



19 respondents (5.5%) “neither agreed nor disagreed” with the statement, while four respondents (1.2%) “preferred not to answer.”

A greater number of respondents appeared to have engaged in self-censorship of their Internet search habits for fear that their records might be misunderstood. Forty-one respondents (11.8%) either “agreed” or “strongly agreed” that they had altered their Internet search habits since the passage of the USA PATRIOT Act. However, a strong majority (285 respondents or 82.4%) either “disagreed” or “strongly disagreed” with the statement. Seventeen respondents “neither agreed nor disagreed, while three respondents (.9%) “preferred not to answer.”

In order to determine whether differences among the sample strata (community college, college, university) were statistically significant, a simple ANOVA was conducted. Any questions stated in the negative were first reverse-coded to ensure correct weighting of responses. The analysis was not significant for type of library,  $F(2,327)=.69, p=.50$ .

*Does the USA PATRIOT Act make academic librarians rethink their values and beliefs regarding information privacy?*

This research question focuses upon librarians’ professional commitment to information privacy for their patrons, and whether or not this commitment has changed since the passage of the *USA PATRIOT Act*. Two questions focused upon patron privacy associated with two specific library services, item circulation (checkout) and public computing, while two additional questions addresses librarians’ attitudes regarding the provision of confidential patron information to law enforcement.

Respondents overwhelmingly rejected the statement “Since the passage of the USA PATRIOT Act, I am more aware of the reading habits (i.e., checkout records) of patrons, with 82.7% (286 respondents) either “disagreeing” or “strongly disagreeing” with this statement. Only 24 respondents (7.0%) “agreed” or “strongly agreed” with the statement, with 33 respondents (9.5%) “neither agreeing nor disagreeing.” 3 respondents chose the “prefer not to answer” option.

An even higher level of disagreement was recorded with the statement “Libraries *should* collect information about library users’ web surfing habits. 89.6% (310 respondents) either “disagreed” or “strongly disagreed” with this statement. 20 respondents (5.8%) neither agreed nor disagreed, while 1.2% (4 respondents) preferred not to answer.

The final two queries addressing this research question related to librarians’ probable actions given either suspicious patron activity or an inquiry from law enforcement. When provided with the statement “I am more likely to report suspicious patron activity to law enforcement officers since the passage of the USA PATRIOT Act,” 70.4% (243 respondents) either “disagreed” or “strongly disagreed.” However, 13.1% (45 respondents) either “agreed” or “strongly agreed” with the statement, suggesting that there may be a greater awareness of patron activities in the library since the passage of the USA PATRIOT Act and the terrorist attacks of September 11, 2001. A comparatively large number of respondents (52 respondents or 15.1%) chose the “neither agree nor disagree” option, perhaps suggesting that the conditions under which a librarian might report suspicious activity could vary from situation to situation. 1.4% (5 respondents) “preferred not to answer.”

Responses to the statement “I would only provide law enforcement officers with patron library records if presented with a valid warrant” were overwhelmingly positive. 86.7% (300 respondents) either “agreed” or “strongly agreed” with the statement, while 4.3% (15 respondents) either “disagreed” or “strongly disagreed.” 18 respondents “neither agreed nor disagreed,” with 13 respondents (3.8%) “preferred not to answer.”

In order to determine whether differences among the sample strata (community college, college, university) were statistically significant, a simple ANOVA was conducted. Any questions stated in the negative were first reverse-coded to ensure correct weighting of responses. The analysis was not significant for type of library,  $F(2,329)=.28, p=.76$ .

*Does the USA PATRIOT Act make academic librarians rethink their attitudes and beliefs regarding intellectual freedom?*

This research question sought to discover librarians’ level of commitment to the principles of intellectual freedom in academic libraries, and to see if that level of commitment has changed since the passage of the USA PATRIOT Act. Four survey queries addressed this research question.

Interestingly, the most basic statement regarding intellectual freedom for patrons produced the highest level of disagreement. The statement “I believe in the principles of intellectual freedom for all library patrons” resulted in 294 respondents (85.0%) either “agreeing” or “strongly agreeing.” However, 50 respondents (14.5%) either “disagreed” or “strongly disagreed” with this statement. It would appear, however, that respondents’ commitment to intellectual freedom has not been altered by the passage of the USA PATRIOT Act. In response to the statement “I have become less supportive of the

principles of intellectual freedom in libraries since the passage of the USA PATRIOT Act,” 319 respondents (91.7%) either “disagreed” or “strongly disagreed,” with 7 respondents (2.0%) either “agreeing” or “strongly agreeing.” 5.7% (20 respondents) “neither agreed nor disagreed.”

Two survey questions specifically addressed librarians’ attitudes toward the USA PATRIOT Act. The first, “I am more concerned about the possibility of additional terror attacks on the United States than I am about the potential chilling effects upon patrons of the USA PATRIOT Act” produced the highest level of agreement of any of the survey questions dealing with the Act. 80 respondents (23%) either “agreed” or “strongly agreed” with this statement, while 201 respondents (57.7%) either “disagreed” or “strongly disagreed.” 17.5% (81 respondents) “neither agreed nor disagreed,” again, a relatively high response rate compared to other survey questions regarding the Act.

The final statement, “I believe that the effect of the USA PATRIOT Act upon the intellectual freedom of library patrons has been overstated,” also produced a relatively high level of agreement, with 32.3% (112 respondents) either “agreeing” or “strongly agreeing.” 142 respondents (40.9%) either “disagreed” or “strongly disagreed.” 26.8% (93 respondents) “neither agreed or disagreed” or had no opinion.

In order to determine whether differences among the sample strata (community college, college, university) were statistically significant, a simple ANOVA was conducted. Any questions stated in the negative were first reverse-coded to ensure correct weighting of responses. The analysis was not significant for type of library,  $F(2,329)=.222, p=.80$ .

## **Conclusion**

While survey respondents largely agreed with the American Library Association's positions on intellectual freedom and information privacy, there still exists some disagreement regarding the extent to which the USA PATRIOT Act has truly affected librarians and their patrons. Chapter 5 will include a discussion of the findings from the Academic Librarian Intellectual Freedom Survey, and will provide recommendations for further research.

## Chapter V: Summary and Conclusions

### Introduction

The final chapter discusses the results of the Academic Librarian Intellectual Freedom Survey, which examined the extent to which the attitudes of academic librarians in the United States reflect the official stance of the American Library Association regarding intellectual freedom, information privacy, and the *USA PATRIOT Act* (2001). The survey also sought to gather data regarding the reasons for these librarians' attitudes on these subjects. In addition to a discussion of the survey results, this chapter will address implications of the study, as well as suggestions for further research on the topic.

### Research Questions and Hypotheses Discussion

The following research questions and hypotheses were addressed:

Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes toward the *USA PATRIOT Act* (2001)?

*Hypothesis: Those academic librarians who perceive themselves to be active members of the American Library Association will have more negative attitudes toward the USA PATRIOT Act (2001) than those librarians who are less active in ALA.*

Do academic librarians' self-perceptions of affiliation with the American Library Association affect their attitudes regarding intellectual freedom *for librarians* and, if so, in which direction?

*Hypothesis: Those librarians who perceive themselves to be active members of the American Library Association will have more positive attitudes regarding the*

*ALA's positions on controversial social and political issues including the USA PATRIOT Act (2001).*

Do librarians believe that the *USA PATRIOT Act* (2001) compromises intellectual freedom as practiced by academic libraries?

*Hypothesis: A majority of academic librarians surveyed will indicate that the USA PATRIOT Act (2001) has compromised the tenets and practices of intellectual freedom in academic libraries.*

Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding information privacy?

*Hypothesis: A majority of academic librarians surveyed will indicate that the USA PATRIOT Act (2001) has not caused them to change their values and beliefs regarding information privacy.*

*Hypothesis: A majority of academic librarians surveyed will indicate that the USA PATRIOT Act (2001) has made them more aware of patron activities, including Internet sites visited and items borrowed from the library.*

Does the *USA PATRIOT Act* (2001) make academic librarians rethink their values and beliefs regarding intellectual freedom?

*Hypothesis: A majority of academic librarians surveyed will indicate that the USA PATRIOT Act (2001) has not caused them to change their values and beliefs regarding intellectual freedom.*

## Discussion of Survey Results

### Research Question One

Research Question One sought to discover whether librarians' self-perceptions of affiliation with the American Library Association influenced their attitudes toward the *USA PATRIOT Act* (2001). Of the four survey queries informing Research Question One, two sought to gauge respondents' levels of agreement with the American Library Association's positions regarding the USA PATRIOT Act. The first, "To what extent do you agree with this statement from the American Library Association: 'Certain sections of the USA PATRIOT Act endanger constitutional and privacy rights of users?'," resulted in a 77.6% agreement rate. Only 7.5% of respondents disagreed with the statement. However, 12.8% of the sample chose "neither agree nor disagree."

Given the publicity regarding Section 215 and the American Library Association's attempts to either modify or strike the provision, and that it could be argued that the Act directly contravenes adherence to the Library Code of Ethics and adherence to information privacy and intellectual freedom guidelines, it is not surprising that over 75% of respondents agreed that sections of the Act do endanger the constitutional and privacy rights of library users. However, that 12.8% of the sample chose "neither agree nor disagree" as a response is interesting. Did these respondents lack knowledge of the USA PATRIOT Act and its possible effects on libraries and therefore not feel qualified to voice an opinion? Does the topic simply not resonate with them?

A slightly larger majority agreed with the statement "I support the American Library Association's Congressional lobbying efforts to modify various provisions of the USA PATRIOT Act," with 78.3% in agreement. Fewer respondents disagreed with this



statement the than above, with 6.0% in disagreement. Again, 12.8% of the sample “neither agreed nor disagreed.” Further research could indicate why these respondents were neutral in their response to this question.

The final two survey statements informing Research Question One are concerned with the potential effects of the USA PATRIOT Act upon individuals. The first statement, “I believe that the USA PATRIOT Act directly violates my constitutional freedoms,” had a much lower rate of agreement than any other statement in the survey, with 55.5% agreeing. 18.8% disagreed with the statement. This statement also garnered the highest number of “neutral” responses, with 21.8% of respondents choosing “neither agree nor disagree.” A comparatively high number of respondents, 3.0%, chose the “prefer not to answer” option.

Perhaps the lower level of agreement for this question is due to the phrasing of the question: “I believe that the USA PATRIOT Act *directly* violates *my* constitutional freedoms,” as opposed to the less specifically personal “Certain sections of the USA PATRIOT Act endanger the privacy and constitutional rights of users.” If respondents have not been personally affected the Act, perhaps they felt no need to agree with—or to neither agree nor disagree—with the statement.

The statement “I believe that the possibility of greater government surveillance enabled by the USA PATRIOT Act is an acceptable tradeoff for increased domestic security” resulted in 62.9% of respondents disagreeing; however, 17.2% of respondents agreed with the statement. Another comparatively high percentage of respondents, 17.2%, chose the neutral “neither agree nor disagree” option, with 2.7% choosing “prefer not to answer.”

Independent t-test results for this question indicated that ALA membership was not a significant factor in respondents' attitudes toward the USA PATRIOT Act. In addition, ANOVA results indicated that type of library affiliation (community college, college, or university) did not significantly affect attitudes toward the USA PATRIOT Act. Therefore, the hypothesis that academic librarians who perceive themselves to be active members of the American Library Association have more negative attitudes toward the USA PATRIOT Act than those who are less active in ALA is false. These results do raise the question of what factors do influence librarians' attitudes on the topic, however. Further research in this area is certainly warranted.

### **Research Question Two**

Four survey questions sought to clarify the relationship between respondents' levels of affiliation with the American Library Association and whether or not that affiliation influenced their attitudes toward intellectual freedom. Two questions focused upon respondents' perceptions of the American Library Association's political and social activist identity; the first, "The American Library Association does *not* exhibit any particular identity," found a plurality of respondents (44.4%) in disagreement with the statement, with 37% agreeing that the ALA does not exhibit a particular identity. Although it is difficult to infer with certainty that those who felt that ALA did have a particular political identity were supportive of that identity, the results of the statement "The American Library Association's statements regarding political issues divert attention from efforts to solve library-related problems" would seem to suggest that ALA does have the support of respondents in this area. A majority of respondents, 51.8%, disagreed with the statement, while 25.5% agreed. 21.6%, however, neither agreed nor

disagreed with the statement, again suggesting that perhaps the question of ALA's political identity does not resonate with these respondents, or that they have no strong feelings regarding the issue.

The final two survey queries specifically addressed respondents' personal views on both intellectual freedom and ALA's focus and identity. 65% of those surveyed disagreed with the statement "I have frequently experienced a disconnect between my personal views regarding intellectual freedom and those of the American Library Association," with only 13.3% agreeing. A slightly higher percentage, 66.3%, disagreed with the statement "Librarians should focus their professional energies upon issues having only to do with libraries (funding, recruitment, library education), not upon social issues."

Given the responses for these questions, it would seem that on the whole, librarians are responsive to and supportive of ALA's policies. However, approximately 35% of the respondents for the last two survey questions for this research inquiry either agreed with, or had no opinion concerning, ALA's stands on intellectual freedom and social activism. If these results can be generalized to the population of American academic librarians, the American Library Association could perhaps consider, through means of further research on the topic, what factors cause some librarians to be less concerned with the causes of intellectual freedom and social equality than the ALA itself.

Independent t-test results for this question indicated that ALA membership was not a significant factor in respondents' attitudes toward their own intellectual freedom. In addition, ANOVA results indicated that type of library affiliation (community college, college, or university) did not significantly affect attitudes toward intellectual freedom.

Therefore, the hypothesis that those librarians who perceive themselves to be active members of the American Library Association will have more positive attitudes regarding the ALA's position on controversial social and political issues including the *USA PATRIOT Act* (2001) is false. Further research is warranted to illuminate what factors do affect academic librarians' attitudes toward intellectual freedom.

### **Research Question Three**

Survey queries for this research question sought to discover whether the *USA PATRIOT Act* (2001) has compromised intellectual freedom as practiced by academic librarians. Three survey statements focused specifically upon respondents' personal information-seeking behaviors since the passage of the USA PATRIOT Act, while a fourth query assessed respondents' professional behaviors in light of the Act's passage.

Two questions addressed respondents' potential self-censorship since the passage of the USA PATRIOT Act. The first, "Since the passage of the USA PATRIOT Act, I have engaged in self-censorship of my *Internet search habits* for fear that my records could be misunderstood," resulted in only 11.8% agreeing. The vast majority, 82.4%, disagreed. Even fewer respondents agreed with the statement, " Since the passage of the USA PATRIOT Act, I have engaged in self-censorship of my *reading habits* for fear that my records could be misunderstood," with 2.0% agreeing and 94.5% disagreeing. It would appear that a great majority of respondents have changed neither their Internet search habits nor their library reading habits since the passage of the USA PATRIOT Act. This is not to say, as seen in responses to other survey queries, that they are not concerned with possible invasions of library privacy, only that they have not changed their search or reading habits significantly since the Act was passed. In fact, 30.0% of

respondents disagreed with the statement “I do not worry about governmental officials having potential access to my library profile, including lists of items I have borrowed from the library.” 63.3%, however, did agree with the statement, suggesting that there is a certain lack of concern about the vulnerability of private library records since the passage of the Act.

The final survey query addressed possible changes in librarians’ professional behaviors since the passage of the Act. 94% of respondents disagreed with the statement “I have been less supportive of developing library collections including multiple viewpoints on controversial topics since the inception of the USA PATRIOT Act.” Only 2.0% of respondents agreed with this statement. While certainly it seems that respondents’ attitudes toward representing multiple viewpoints in a library collection has not changed because of the passage of the USA PATRIOT Act, further research could indicate whether these librarians supported balanced collection development to begin with.

ANOVA results indicated that type of library affiliation (community college, college, or university) did not significantly affect attitudes toward the intellectual freedom since passage of the *USA PATRIOT Act* (2001). In addition, as survey results indicate that the majority of librarians surveyed believe that the passage of the USA PATRIOT Act has not compromised the tenets and practices of intellectual freedom, the hypothesis that the PATRIOT Act has compromised librarians’ commitment to intellectual freedom is false.

### Research Question Four

Four survey statements addressed possible changes in librarians' attitudes toward information privacy for patrons. Two statements sought to discover any changes in librarians' perceptions of the necessity for information privacy since the passage of the USA PATRIOT Act, while another two statements specifically addressed librarians' attitudes toward law enforcement officers seeking information regarding traditionally private library activities.

Strong majorities of respondents disagreed with both statements regarding the collection and maintenance of private patron information. The first, "Since the passage of the USA PATRIOT Act, I am more aware of the reading habits (i.e., checkout records) of patrons," found 82.7% of respondents disagreeing with the statement. 7.0% of respondents, however, did agree. A second statement, "Libraries *should* collect information about library users' web surfing habits," found 89.6% of respondents disagreeing, with only 3.4% agreeing. It would appear that, given the response of the sample, librarians remain committed to the principles of information privacy for patrons.

A second set of questions addressed law enforcements' relationship with academic librarians. The statement "I am more likely to report suspicious patron activity to law enforcement officers since the passage of the USA PATRIOT Act," found 70.4% of respondents disagreeing. 13.1% of respondents, however, agreed with the statement. An even larger percentage, 15.1%, neither agreed nor disagreed with the statement, which suggests perhaps that those respondents' attitudes toward suspicious patron activity has not changed since the passage of the Act. For the second question in this set, "I would only provide law enforcement officers with patron library records if presented with a

valid warrant,” 86.7% of respondents agreed, with only 4.3% disagreeing. It would appear that members of the sample continue to protect patrons’ information privacy.

ANOVA results indicated that type of library affiliation (community college, college, or university) did not significantly affect attitudes toward information privacy since passage of the *USA PATRIOT Act* (2001). In addition, a majority of academic librarians surveyed did indicate that the *USA PATRIOT Act* has not caused them to change their values and beliefs regarding information privacy; therefore, this hypothesis is confirmed. A second hypothesis, that a majority of academic librarians surveyed would indicate that the Act has made them more aware of patron activities, including Internet sites visited and items borrowed from the library, was found to be false given the results in the above paragraph.

#### **Research Question Five**

The final research question sought to discover whether or not librarians’ attitudes and beliefs regarding intellectual freedom have changed since the passage of the USA PATRIOT Act. A first statement, “I believe in the principles of intellectual freedom for all library patrons,” garnered interesting results. While the need for intellectual freedom is one of the—if not the—main focus of the American Library Association, and often librarians generally, only 85% of respondents agreed with this statement. Although 85% is obviously a strong majority, the fact that 14.5% of respondents disagreed is perhaps significant. Given the strong emphasis that ALA places upon the absolute need for intellectual freedom for library patrons, this level of disagreement is somewhat surprising. Although it is impossible to determine without further inquiry, it may be that respondents were concerned with the word “all” in the statement. If, for instance, a

library lacks any sort of filtering devices on its public computers, a patron could access pornographic Internet sites in full view of juvenile patrons, etc. Others may be concerned with possible illegal activities conducted on library computers. Further research on this point could prove fruitful.

The vast majority of respondents, however, disagreed with the statement “I have become less supportive of the principles of intellectual freedom in libraries since the passage of the USA PATRIOT Act,” with 91.7% of respondents disagreeing. 2.0% agreed with the statement. The question remains, though, not whether respondents were supportive of intellectual freedom to begin with (to a great degree, given the responses to the question above, they are), but whether or not the passage of the USA PATRIOT Act has altered that support. Apparently, it has not.

The final two queries supporting Research Question Five seek to discover to what degree respondents are concerned with the Act and its effects upon library patrons. The first statement, “I am more concerned about the possibility of additional terror attacks on the United States than I am about the potential chilling effects upon patrons of the USA PATRIOT Act,” found 57.7% of respondents disagreeing. However, 23.0% agreed with the statement, suggesting that perhaps fewer librarians have negative opinions of the Act than one might think. A second statement, “I believe that the effect of the USA PATRIOT Act upon the intellectual freedom of library patrons has been overstated” found 40.9% in disagreement with the statement, while 32.3% agreed. 26.8% neither agreed nor disagreed, also suggesting that perhaps this issue is less pressing than the American Library Association would hope.



ANOVA results indicated that type of library affiliation (community college, college, or university) did not significantly affect attitudes toward intellectual freedom since passage of the *USA PATRIOT Act* (2001). Survey results do confirm, however, the hypothesis that a majority of academic librarians surveyed will indicate that the *USA PATRIOT Act* (2001) has not caused them to change their values and beliefs regarding information privacy.

### **Limitations and Suggestions for Further Research**

This study provides foundational knowledge regarding academic librarians' perceptions of intellectual freedom, information privacy, and the *USA PATRIOT Act*. Perhaps the greatest limitation of the research was the low response rate to the Academic Librarian Intellectual Freedom Survey. Even though the researcher sent out an introductory communication prior to the distribution of the survey, with two additional reminders after the initial survey distribution, the response rate was still low, with an approximate 31% response rate (373 of 1200 surveys distributed). Several things may have contributed to the low response rate. For instance, even though the survey asked no specific questions about personal experiences with the *USA PATRIOT Act*, nor posed any questions regarding FBI visits to libraries or other potentially sensitive topics, respondents may have been hesitant to discuss or provide opinions regarding what is still, for many, considered a highly delicate topic. Although confidentiality and anonymity were guaranteed by the researcher, some potential respondents might have felt uncomfortable in responding.

In addition, the researcher sent out the survey in the week before Memorial Day, and in the initial distribution, received many auto-response e-mails indicating that

potential participants were on vacation. Also, although utilizing an e-mail survey increased the efficiency with which the surveys were distributed, many of the surveys might have been automatically sent to recipients' spam e-mail folders.

As statistical analysis of responses to the Academic Librarian Intellectual Freedom Survey found that, in part, neither type of academic library nor American Library Association affiliation affected librarians' perceptions of intellectual freedom, information privacy, or the *USA PATRIOT Act* (2001), further research is required to discover what factors do influence these areas. Any number of variables could be analyzed to determine why librarians feel as they do about these topics, including when individuals became professional librarians (pre- or post-9/11), age of respondent, political affiliation, geographic location, etc.

Further qualitative inquiry, perhaps interviews of respondents who made substantive comments in the short-answer questions regarding information privacy, intellectual freedom, and the American Library Association, could illuminate the quantitative responses further. Simply asking respondents why they feel as they do about the topics covered in this study would potentially yield rich qualitative data to complement and enhance quantitative survey responses.

Results of this survey could be replicated with other types of librarians, particularly those employed in public libraries, in order to compare and contrast librarian attitudes by broad library type. For instance, public librarians may be more concerned about and perhaps affected by the *USA PATRIOT Act* (2001), as these libraries are mandated to provide free and unfettered access to library resources, including Internet access. Such free access may indeed encourage library patrons to perceive themselves as

anonymous and thus encourage a freer exploration of controversial topics than in a relatively circumscribed academic library environment. Such a comparative study could be useful in identifying the genesis of librarians' attitudes toward intellectual freedom, information privacy, and the *USA PATRIOT Act*.

### **Conclusion**

In conclusion, this study addressed a lack of substantive research in the area of academic librarians' opinions and perceptions of intellectual freedom, information privacy, and the USA PATRIOT Act, particularly as these opinions relate to those of the American Library Association. While the majority of librarians surveyed support the concepts of intellectual freedom and information privacy in libraries, and by extension, the American Library Association's stances on these topics, qualitative data in particular indicated some dissatisfaction on the part of respondents to the ALA's political and social agenda. The results of this study will provide a foundation on which future research studies regarding these topics may build, resulting in a fuller body of information on these most foundational topics in the practice of American librarianship.

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M.A. in Library Science, University of Missouri, Columbia, Missouri. May 1989.

M.A. in English Literature, University of Missouri, Columbia, Missouri. August 1988.

B.A. in English Literature, Central Missouri State University, Warrensburg, Missouri. May 1986.

#### **Recent Work Experience**

March 2006-present. Collection Management Librarian, Tribble Library, Christopher Newport University, Newport News, VA. Supervise and maintain materials budget for the university library; select and order library materials.

May 2002-February 2006. Access Services Librarian, Christopher Newport University, Newport News, VA. Supervised circulation, reserves, interlibrary loan, and stacks maintenance functions of the library.

April 2001-April 2002. Librarian II, Assistant Department Head, Adult Services Department, Kirn Memorial Library, Norfolk, VA. In absence of Adult Services Coordinator, supervised ten full- and four part time employees. Prepared weekly reference desk schedules.

#### **Selected Publications**

Willson-Metzger, A. In D. Patterson (Ed.), (2009). The Ethics of information sharing and concealment in the Harry Potter novels. In D. Patterson (Ed.), *Harry Potter's World Wide Influence* (pp. 293-304). Newcastle upon Tyne, England: Cambridge Scholars Press, 2009.

Willson-Metzger, A. Implementing an electronic reserves pilot program at Christopher Newport University. *Journal of Access Services*, 1(4), 71-76.

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